

# STATE LAW LIBRARY OF MONTANA

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Fax: 406-444-3603

## Legislative History – Montana Session Law

Chapter: 282      Session L: 2021  
Bill Number: HB 258

### Checklist of Bill History

History and Final Status Sheet



Introduced Bill



Fiscal Note



Third Reading Bill



Final Version of Bill



| House                       | Senate                      |
|-----------------------------|-----------------------------|
| Committee: Judiciary        | Committee: Judiciary        |
| Hearing Date(s): 2/2/2021   | Hearing Date(s): 3/16/2021  |
| Committee Report: 2/24/2021 | Committee Report: 3/19/2021 |
| Conference Committee        |                             |

Hearing Date(s):

Conference Committee Report:

### Compiler Notes

Compiled by: SK Marshall

Date: 11/22/2024

Notes: Audio/Video recordings can be found here:

<https://sg001-harmony.sliq.net/00309/Harmony/en>

Thank you!



AN ACT PROHIBITING THE ENFORCEMENT OF A FEDERAL BAN ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1. Short title.** [Sections 1 through 4] may be cited as the "Montana Federal Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act".

**Section 2. Declaration of authority.** [Sections 1 through 4] are done under the authority of the 2nd and 10th amendments to the United States constitution, Article II, section 12, of the Montana constitution, Montana's compact with the United States, and *Printz v. U.S.*, 521 U.S. 898 (1997).

**Section 3. Definitions.** As used in [sections 1 through 4], the following definitions apply:

(1) "Federal ban" means a federal law, executive order, rule, regulation that is enacted, adopted, or becomes effective on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021, that infringes upon, calls in question, or prohibits, restricts, or requires individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, any magazine or other ammunition feeding device, or other firearm accessory.

(2) "Firearm" means any self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle, pistol, revolver, or shotgun.

(3) "Peace officer" has the meaning provided in 45-2-101, except that [sections 1 through 4] do not apply to federal employees.

(4) "Political subdivision" means a city, town, county, consolidated government, or other political



subdivision of the state.

**Section 4. Prohibition of enforcement.** (1) A peace officer, state employee, or employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or ammunition.

(2) An employee of the state or a political subdivision may not expend public funds or allocate public resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

(3) Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state employee, or employee of a political subdivision from cooperating, communicating, or collaborating with a federal agency if the primary purpose is not:

- (a) law enforcement activity related to a federal ban; or
- (b) the investigation of a violation of a federal ban.

**Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**Section 6. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1 through 4].

**Section 7. Effective date.** [This act] is effective on passage and approval.

**Section 8. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to a federal law, executive order, rule, or regulation adopted or enacted on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021.

END -

I hereby certify that the within bill,  
HB 258, originated in the House.

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Chief Clerk of the House

---

Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

---

President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

HOUSE BILL NO. 258

INTRODUCED BY J. HINKLE, M. BLASDEL, K. BOGNER, B. BROWN, J. ELLSWORTH, C. FRIEDEL, T. GAUTHIER, B. GILLESPIE, C. GLIMM, S. HINEBAUCH, D. HOWARD, D. KARY, T. MANZELLA, B. MOLNAR, C. SMITH, G. VANCE, F. ANDERSON, B. BEARD, D. BEDEY, S. BERGLEE, M. BINKLEY, J. CARLSON, J. DOOLING, P. FIELDER, S. GALLOWAY, W. GALT, J. GILLETTE, S. GUNDERSON, E. HILL, C. HINKLE, B. LER, D. LOGE, R. MARSHALL, T. MOORE, B. PHALEN, J. READ, A. REGIER, K. SEEKINS-CROWE, L. SHELDON-GALLOWAY, D. SKEES, M. STROMSWOLD, J. TREBAS, B. USHER, S. VINTON, K. WHITMAN

AN ACT PROHIBITING THE ENFORCEMENT OF ANY A FEDERAL BAN ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

## Exported Data

| Date     | Action                                                 | Committee        | Votes (Yes) | Votes (No) | Media |
|----------|--------------------------------------------------------|------------------|-------------|------------|-------|
| 04/23/21 | Chapter Number Assigned                                |                  |             |            |       |
| 04/23/21 | (H) Signed by Governor                                 |                  |             |            |       |
| 04/13/21 | (H) Transmitted to Governor                            |                  |             |            |       |
| 04/13/21 | (S) Signed by President                                |                  |             |            |       |
| 04/12/21 | (H) Signed by Speaker                                  |                  |             |            |       |
| 04/07/21 | (C) Printed - Enrolled Version Available               |                  |             |            |       |
| 04/07/21 | (H) Returned from Enrolling                            |                  |             |            |       |
| 04/06/21 | (H) Sent to Enrolling                                  |                  |             |            |       |
| 04/01/21 | (S) Returned to House                                  |                  |             |            |       |
| 04/01/21 | (S) 3rd Reading Concurred                              |                  | 30          | 20         |       |
| 04/01/21 | (S) Scheduled for 3rd Reading                          |                  |             |            |       |
| 03/31/21 | (S) 2nd Reading Concurred                              |                  | 30          | 20         |       |
| 03/31/21 | (S) Scheduled for 2nd Reading                          |                  |             |            |       |
| 03/24/21 | (S) 2nd Reading Pass Consideration                     |                  |             |            |       |
| 03/24/21 | (S) Scheduled for 2nd Reading                          |                  |             |            |       |
| 03/19/21 | (S) Committee Report--Bill Concurred                   | (S)<br>Judiciary |             |            |       |
| 03/19/21 | (S) Committee Executive Action--Bill Concurred         | (S)<br>Judiciary | 6           | 5          |       |
| 03/16/21 | (S) Hearing                                            | (S)<br>Judiciary |             |            |       |
| 03/08/21 | (S) Referred to Committee                              | (S)<br>Judiciary |             |            |       |
| 03/01/21 | (S) First Reading                                      |                  |             |            |       |
| 02/27/21 | (H) Transmitted to Senate                              |                  |             |            |       |
| 02/27/21 | (H) 3rd Reading Passed                                 |                  | 66          | 33         |       |
| 02/27/21 | (H) Scheduled for 3rd Reading                          |                  |             |            |       |
| 02/26/21 | (H) 2nd Reading Passed                                 |                  | 67          | 33         |       |
| 02/26/21 | (H) Scheduled for 2nd Reading                          |                  |             |            |       |
| 02/24/21 | (H) Committee Report--Bill Passed as Amended           | (H)<br>Judiciary |             |            |       |
| 02/24/21 | (C) Printed - New Version Available                    |                  |             |            |       |
| 02/24/21 | (H) Committee Executive Action--Bill Passed as Amended | (H)<br>Judiciary | 12          | 7          |       |
| 02/24/21 | (H) Taken from Table in Committee                      | (H)<br>Judiciary |             |            |       |
| 02/12/21 | (H) Tabled in Committee                                | (H)              |             |            |       |

| Date     | Action                                            | Committee        | Votes<br>(Yes) | Votes<br>(No) | Media |
|----------|---------------------------------------------------|------------------|----------------|---------------|-------|
|          |                                                   | Judiciary        |                |               |       |
| 02/03/21 | (C) Amendments Available                          |                  |                |               |       |
| 02/02/21 | (H) Fiscal Note Printed                           |                  |                |               |       |
| 02/02/21 | (H) Fiscal Note Signed                            |                  |                |               |       |
| 02/02/21 | (H) Fiscal Note Received                          |                  |                |               |       |
| 02/02/21 | (H) Hearing                                       | (H)<br>Judiciary |                |               |       |
| 01/27/21 | (H) First Reading                                 |                  |                |               |       |
| 01/27/21 | (H) Referred to Committee                         | (H)<br>Judiciary |                |               |       |
| 01/27/21 | (C) Introduced Bill Text Available Electronically |                  |                |               |       |
| 01/27/21 | (H) Fiscal Note Requested                         |                  |                |               |       |
| 01/26/21 | (H) Introduced                                    |                  |                |               |       |
| 01/25/21 | (C) Draft Delivered to Requester                  |                  |                |               |       |
| 01/22/21 | (C) Draft Ready for Delivery                      |                  |                |               |       |
| 01/22/21 | (C) Executive Director Final Review               |                  |                |               |       |
| 01/22/21 | (C) Draft Ready for Delivery                      |                  |                |               |       |
| 01/21/21 | (C) Draft in Assembly                             |                  |                |               |       |
| 01/21/21 | (C) Executive Director Review                     |                  |                |               |       |
| 01/21/21 | (C) Bill Draft Text Available Electronically      |                  |                |               |       |
| 01/21/21 | (C) Draft in Final Drafter Review                 |                  |                |               |       |
| 01/20/21 | (C) Draft in Input/Proofing                       |                  |                |               |       |
| 01/20/21 | (C) Draft to Drafter - Edit Review                |                  |                |               |       |
| 01/16/21 | (C) Draft in Edit                                 |                  |                |               |       |
| 01/16/21 | (C) Draft in Legal Review                         |                  |                |               |       |
| 01/13/21 | (C) Draft to Requester for Review                 |                  |                |               |       |
| 12/01/20 | (C) Draft Request Received                        |                  |                |               |       |



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2023 Biennium

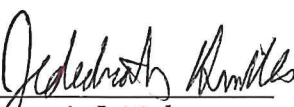
|                         |                 |                |                                                              |
|-------------------------|-----------------|----------------|--------------------------------------------------------------|
| <b>Bill #</b>           | HB0258          | <b>Title:</b>  | Revise laws related to firearms, ammunition, and accessories |
| <b>Primary Sponsor:</b> | Jedediah Hinkle | <b>Status:</b> | As Introduced                                                |

- |                                                           |                                                        |                                                          |
|-----------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

|                                         | <u>FY 2022</u><br><u>Difference</u> | <u>FY 2023</u><br><u>Difference</u> | <u>FY 2024</u><br><u>Difference</u> | <u>FY 2025</u><br><u>Difference</u> |
|-----------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| <b>Expenditures:</b>                    |                                     |                                     |                                     |                                     |
| General Fund                            | \$0                                 | \$0                                 | \$0                                 | \$0                                 |
| <b>Revenue:</b>                         |                                     |                                     |                                     |                                     |
| General Fund                            | \$0                                 | \$0                                 | \$0                                 | \$0                                 |
| <b>Net Impact-General Fund Balance:</b> | <u>\$0</u>                          | <u>\$0</u>                          | <u>\$0</u>                          | <u>\$0</u>                          |

**Description of fiscal impact:** The Department of Justice has indicated that HB 258 will have no fiscal impact.

|                                                                                     |                                                                                      |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|  |  |
| Sponsor's Initials                                                                  | Budget Director's Initials                                                           |
| <u>2/2/21</u>                                                                       | <u>2/2/21</u>                                                                        |
| Date                                                                                | Date                                                                                 |

HOUSE BILL NO. 258

INTRODUCED BY J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ENFORCEMENT OF ANY FEDERAL BAN ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Short title.** [Sections 1 through 4] may be cited as the "Montana Federal Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act".

**NEW SECTION. Section 2. Declaration of authority.** [Sections 1 through 4] are done under the authority of the 2nd and 10th amendments to the United States constitution, Article II, section 12, of the Montana constitution, Montana's compact with the United States, and Printz v. U.S., 521 U.S. 898 (1997).

**NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 4], the following definitions apply:

(1) "Federal ban" means a federal law, executive order, rule, regulation, or a new and more restrictive interpretation of an existing law that infringes upon, calls in question, or prohibits, restricts, or requires individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, any magazine or other ammunition feeding device, or other firearm accessory.

(2) "Firearm" means any self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle, pistol, revolver, or shotgun.

(3) "Peace officer" has the meaning provided in 45-2-101, except that [sections 1 through 4] do not apply to federal employees.

(4) "Political subdivision" means a city, town, county, consolidated government, or other political subdivision of the state.

1

2        NEW SECTION. Section 4. Prohibition of enforcement. (1) A peace officer, state employee, or  
3 employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise  
4 cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited  
5 from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or  
6 ammunition.

7        (2) An employee of the state or a political subdivision may not expend public funds or allocate public  
8 resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

9        (3) [Sections 1 through 4] do not apply to:

10        (a) the possession or use of a fully automatic firearm that will fire continuously with only one pull of  
11 the trigger;

12        (b) the enforcement of any federal or state law prohibiting a person with a violent or drug trafficking or  
13 distribution felony conviction from possessing a firearm;

14        (c) the enforcement of any federal law prohibiting an illegal alien from possessing a firearm;

15        ~~(d)~~ (d) the enforcement of any federal or state law prohibiting a person convicted of a misdemeanor  
16 offense of domestic violence from possessing a firearm; or

17        ~~(e)~~ (e) the enforcement of a current order of protection issued pursuant to Title 40, chapter 15,  
18 prohibiting a person from possessing a firearm.

19        (4) Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state  
20 employee, or employee of a political subdivision from cooperating in an action that does not have the primary  
21 purpose of enforcing a federal ban.

22

23        NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are  
24 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
25 the part remains in effect in all valid applications that are severable from the invalid applications.

26

27        NEW SECTION. Section 6. Codification instruction. [Sections 1 through 4] are intended to be  
28 codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1



# Amendment - 1st Reading - Requested by: Jedediah Hinkle

67th Legislature

Drafter: Rachel Weiss, 406-444-5367

HB 258.1.1

1 through 4].

2

3 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

4 - END -

DRAFT

Amendments to House Bill No. 258  
1st Reading Copy

Requested by Jedediah Hinkle  
For the (H) Judiciary

Prepared by Rachel Weiss  
02/02/2021, 12:24:35

1. Page 2, line 12.

**Following:** "violent"

**Insert:** "or drug trafficking or distribution"

2. Page 2.

**Following:** line 13

**Insert:** "(c) the enforcement of any federal law prohibiting an illegal alien from  
possessing a firearm;"

**Renumber:** subsequent subsections

4. Page 2, line 19.

**Following:** "the"

**Insert:** "primary"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

HOUSE BILL NO. 258

INTRODUCED BY J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ENFORCEMENT OF ANY FEDERAL BAN ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Short title.** [Sections 1 through 4] may be cited as the "Montana Federal Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act".

**NEW SECTION. Section 2. Declaration of authority.** [Sections 1 through 4] are done under the authority of the 2nd and 10th amendments to the United States constitution, Article II, section 12, of the Montana constitution, Montana's compact with the United States, and Printz v. U.S., 521 U.S. 898 (1997).

**NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 4], the following definitions apply:

(1) "Federal ban" means a federal law, executive order, rule, regulation, or a new and more restrictive interpretation of an existing law that infringes upon, calls in question, or prohibits, restricts, or requires individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, any magazine or other ammunition feeding device, or other firearm accessory.

(2) "Firearm" means any self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle, pistol, revolver, or shotgun.

(3) "Peace officer" has the meaning provided in 45-2-101, except that [sections 1 through 4] do not apply to federal employees.

(4) "Political subdivision" means a city, town, county, consolidated government, or other political subdivision of the state.

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2        **NEW SECTION. Section 4. Prohibition of enforcement.** (1) A peace officer, state employee, or  
3 employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise  
4 cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited  
5 from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or  
6 ammunition.

7        (2) An employee of the state or a political subdivision may not expend public funds or allocate public  
8 resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

9        (3) [Sections 1 through 4] do not apply to:

10        (a) the possession or use of a fully automatic firearm that will fire continuously with only one pull of  
11 the trigger;

12        (b) the enforcement of any federal or state law prohibiting a person with a ~~violent~~ felony conviction  
13 from possessing a firearm;

14        (c) the enforcement of any federal or state law prohibiting a person convicted of a misdemeanor  
15 offense of domestic violence from possessing a firearm; or

16        (d) the enforcement of a current order of protection issued pursuant to Title 40, chapter 15, prohibiting  
17 a person from possessing a firearm.

18        (4) Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state  
19 employee, or employee of a political subdivision from cooperating in an action that does not have the purpose  
20 of enforcing a federal ban.

21

22        **NEW SECTION. Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are  
23 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
24 the part remains in effect in all valid applications that are severable from the invalid applications.

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26        **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 4] are intended to be  
27 codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1  
28 through 4].

# Amendment - 1st Reading - Requested by: Barry Usher

67th Legislature

Drafter: Rachel Weiss, 406-444-5367

HB 258.1.2

1

2        NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

3

- END -

DRAFT

Amendments to House Bill No. 258  
1st Reading Copy

Requested by Barry Usher  
For the (H) Judiciary

Prepared by Rachel Weiss  
02/04/2021, 07:38:34

1. Page 2, line 12.

**Following:** "with a"

**Strike:** "violent"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

HOUSE BILL NO. 258

INTRODUCED BY J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ENFORCEMENT OF ANY FEDERAL BAN ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(2) "Firearm" means any self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle, pistol, revolver, or shotgun.

(3) "Peace officer" has the meaning provided in 45-2-101, except that [sections 1 through 4] do not apply to federal employees.

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12        (b) the enforcement of any federal ~~or state~~ law prohibiting a person with a violent felony conviction  
13 from possessing a firearm;

14        (c) the enforcement of any federal ~~or state~~ law prohibiting a person convicted of a misdemeanor  
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16        (d) the enforcement of a current order of protection issued pursuant to Title 40, chapter 15, prohibiting  
17 a person from possessing a firearm.

18        (4) Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state  
19 employee, or employee of a political subdivision from cooperating in an action that does not have the purpose  
20 of enforcing a federal ban.

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27 codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1  
28 through 4].



**Amendment - 1st Reading - Requested by: Jedediah Hinkle**

67th Legislature

Drafter: Rachel Weiss, 406-444-5367

HB 258.1.3

1

2        NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

3

- END -

DRAFT

Amendments to House Bill No. 258  
1st Reading Copy

Requested by Jedediah Hinkle  
For the (H) Judiciary

Prepared by Rachel Weiss  
02/08/2021, 01:08:44

1. Page 2, line 12.  
**Following:** "federal"  
**Strike:** "or state"

2. Page 2, line 14.  
**Following:** "federal"  
**Strike:** "or state"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

HOUSE BILL NO. 258

INTRODUCED BY J. HINKLE

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NEW SECTION. Section 2. Declaration of authority. [Sections 1 through 4] are done under the authority of the 2nd and 10th amendments to the United States constitution, Article II, section 12, of the Montana constitution, Montana's compact with the United States, and Printz v. U.S., 521 U.S. 898 (1997).

NEW SECTION. Section 3. Definitions. As used in [sections 1 through 4], the following definitions apply:

(1) "Federal ban" means a federal law, executive order, rule, regulation that is enacted, adopted, or becomes effective on or after January 1, 2021, or a new and more restrictive interpretation of ~~an existing a~~ law that existed on January 1, 2021, that infringes upon, calls in question, or prohibits, restricts, or requires individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, any magazine or other ammunition feeding device, or other firearm accessory.

(2) "Firearm" means any self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle, pistol, revolver, or shotgun.

(3) "Peace officer" has the meaning provided in 45-2-101, except that [sections 1 through 4] do not apply to federal employees.

(4) "Political subdivision" means a city, town, county, consolidated government, or other political subdivision of the state.

**NEW SECTION. Section 4. Prohibition of enforcement.** (1) A peace officer, state employee, or employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or ammunition.

(2) An employee of the state or a political subdivision may not expend public funds or allocate public resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

(3) [Sections 1 through 4] do not apply to:

(a) the possession or use of a fully automatic firearm that will fire continuously with only one pull of the trigger;

(b) the enforcement of any federal or state law prohibiting a person with a violent felony conviction from possessing a firearm;

(c) the enforcement of any federal or state law prohibiting a person convicted of a misdemeanor offense of domestic violence from possessing a firearm; or

(d) the enforcement of a current order of protection issued pursuant to Title 40, chapter 15, prohibiting a person from possessing a firearm.

(4) Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state employee, or employee of a political subdivision from cooperating in an action that does not have the purpose of enforcing a federal ban.

**NEW SECTION. Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 4] are intended to be

## Amendment - 1st Reading - Requested by: Jedediah Hinkle

67th Legislature

Drafter: Rachel Weiss, 406-444-5367

HB 258.1.4

1 codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1  
2 through 4].

3

4 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

5

6 NEW SECTION. **Section 8. Retroactive applicability.** [This act] applies retroactively, within the  
7 meaning of 1-2-109, to a federal law, executive order, rule, or regulation adopted or enacted on or after January  
8 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021.

9

- END -

Amendments to House Bill No. 258  
1st Reading Copy

Requested by Jedediah Hinkle  
For the (H) Judiciary

Prepared by Rachel Weiss  
02/17/2021, 01:43:52

1. Title, line 4.

**Strike:** "ANY"

**Insert:** "A"

2. Title, line 6.

**Following:** "DATE"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 19.

**Following:** "regulation"

**Insert:** "that is enacted, adopted, or becomes effective on or after January 1, 2021"

4. Page 1, line 20.

**Strike:** "an existing"

**Insert:** "a"

5. Page 1, line 20.

**Following:** "law"

**Insert:** "that existed on January 1, 2021,"

6. Page 3.

**Following:** line 2

**Insert:** "NEW SECTION. Section 8. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to a federal law, executive order, rule, or regulation adopted or enacted on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021."

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

HOUSE BILL NO. 258

INTRODUCED BY J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ENFORCEMENT OF ANY FEDERAL BAN ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Short title.** [Sections 1 through 4] may be cited as the "Montana Federal Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act".

**NEW SECTION. Section 2. Declaration of authority.** [Sections 1 through 4] are done under the authority of the 2nd and 10th amendments to the United States constitution, Article II, section 12, of the Montana constitution, Montana's compact with the United States, and Printz v. U.S., 521 U.S. 898 (1997).

**NEW SECTION. Section 3. Definitions.** As used in [sections 1 through 4], the following definitions apply:

(1) "Federal ban" means a federal law, executive order, rule, regulation, or a new and more restrictive interpretation of an existing law that infringes upon, calls in question, or prohibits, restricts, or requires individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, any magazine or other ammunition feeding device, or other firearm accessory.

(2) "Firearm" means any self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle, pistol, revolver, or shotgun.

(3) "Peace officer" has the meaning provided in 45-2-101, except that [sections 1 through 4] do not apply to federal employees.

(4) "Political subdivision" means a city, town, county, consolidated government, or other political subdivision of the state.

1

2        NEW SECTION. Section 4. Prohibition of enforcement. (1) A peace officer, state employee, or  
3 employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise  
4 cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited  
5 from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or  
6 ammunition.

7        (2) An employee of the state or a political subdivision may not expend public funds or allocate public  
8 resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

9        ~~(3) [Sections 1 through 4] do not apply to:~~

10        ~~(a) the possession or use of a fully automatic firearm that will fire continuously with only one pull of~~  
11 ~~the trigger;~~

12        ~~(b) the enforcement of any federal or state law prohibiting a person with a violent felony conviction~~  
13 ~~from possessing a firearm;~~

14        ~~(c) the enforcement of any federal or state law prohibiting a person convicted of a misdemeanor~~  
15 ~~offense of domestic violence from possessing a firearm; or~~

16        ~~(d) the enforcement of a current order of protection issued pursuant to Title 40, chapter 15, prohibiting~~  
17 ~~a person from possessing a firearm.~~

18        ~~(4)(3)~~ Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state  
19 employee, or employee of a political subdivision from cooperating ~~in an action that does not have the,~~  
20 communicating, or collaborating with a federal agency if the primary purpose of enforcing is not:

21        (a) law enforcement activity related to a federal ban; or

22        (b) the investigation of a violation of a federal ban.

23

24        NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are  
25 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
26 the part remains in effect in all valid applications that are severable from the invalid applications.

27

28        NEW SECTION. Section 6. Codification instruction. [Sections 1 through 4] are intended to be



## Amendment - 1st Reading - Requested by: Jedediah Hinkle

67th Legislature

Drafter: Toni Henneman, 406-444-3593

HB 258.1.5

1 codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1  
2 through 4].

3

4 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

5

- END -

DRAFT

Amendments to House Bill No. 258  
1st Reading Copy

Requested by Jedediah Hinkle  
For the (H) Judiciary

Prepared by Toni Henneman  
02/22/2021, 05:53:11

1. Page 2, line 9 through line 17.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

2. Page 2, line 19.

**Strike:** "in an action that does not have the"

**Insert:** ", communicating, or collaborating with a federal agency if the primary"

3. Page 2, line 20.

**Strike:** "of enforcing"

**Insert:** "is not:

(a) law enforcement activity related to a federal ban; or

(b) the investigation of a violation of"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.



AN ACT PROHIBITING THE ENFORCEMENT OF A FEDERAL BAN ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1. Short title.** [Sections 1 through 4] may be cited as the "Montana Federal Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act".

**Section 2. Declaration of authority.** [Sections 1 through 4] are done under the authority of the 2nd and 10th amendments to the United States constitution, Article II, section 12, of the Montana constitution, Montana's compact with the United States, and *Printz v. U.S.*, 521 U.S. 898 (1997).

**Section 3. Definitions.** As used in [sections 1 through 4], the following definitions apply:

(1) "Federal ban" means a federal law, executive order, rule, regulation that is enacted, adopted, or becomes effective on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021, that infringes upon, calls in question, or prohibits, restricts, or requires individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm, any magazine or other ammunition feeding device, or other firearm accessory.

(2) "Firearm" means any self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle, pistol, revolver, or shotgun.

(3) "Peace officer" has the meaning provided in 45-2-101, except that [sections 1 through 4] do not apply to federal employees.

(4) "Political subdivision" means a city, town, county, consolidated government, or other political

subdivision of the state.

**Section 4. Prohibition of enforcement.** (1) A peace officer, state employee, or employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or ammunition.

(2) An employee of the state or a political subdivision may not expend public funds or allocate public resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

(3) Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state employee, or employee of a political subdivision from cooperating, communicating, or collaborating with a federal agency if the primary purpose is not:

- (a) law enforcement activity related to a federal ban; or
- (b) the investigation of a violation of a federal ban.

**Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**Section 6. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1 through 4].

**Section 7. Effective date.** [This act] is effective on passage and approval.

**Section 8. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to a federal law, executive order, rule, or regulation adopted or enacted on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021.

END -

I hereby certify that the within bill,  
HB 258, originated in the House.

---

Chief Clerk of the House

---

Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

---

President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

HOUSE BILL NO. 258

INTRODUCED BY J. HINKLE, M. BLASDEL, K. BOGNER, B. BROWN, J. ELLSWORTH, C. FRIEDEL, T. GAUTHIER, B. GILLESPIE, C. GLIMM, S. HINEBAUCH, D. HOWARD, D. KARY, T. MANZELLA, B. MOLNAR, C. SMITH, G. VANCE, F. ANDERSON, B. BEARD, D. BEDEY, S. BERGLEE, M. BINKLEY, J. CARLSON, J. DOOLING, P. FIELDER, S. GALLOWAY, W. GALT, J. GILLETTE, S. GUNDERSON, E. HILL, C. HINKLE, B. LER, D. LOGE, R. MARSHALL, T. MOORE, B. PHALEN, J. READ, A. REGIER, K. SEEKINS-CROWE, L. SHELDON-GALLOWAY, D. SKEES, M. STROMSWOLD, J. TREBAS, B. USHER, S. VINTON, K. WHITMAN

AN ACT PROHIBITING THE ENFORCEMENT OF ANY A FEDERAL BAN ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

## 1 HOUSE BILL NO. 258

2 INTRODUCED BY J. HINKLE, M. BLASDEL, K. BOGNER, B. BROWN, J. ELLSWORTH, C. FRIEDEL, T.  
3 GAUTHIER, B. GILLESPIE, C. GLIMM, S. HINEBAUCH, D. HOWARD, D. KARY, T. MANZELLA, B. MOLNAR,  
4 C. SMITH, G. VANCE, F. ANDERSON, B. BEARD, D. BEDEY, S. BERGLEE, M. BINKLEY, J. CARLSON, J.  
5 DOOLING, P. FIELDER, S. GALLOWAY, W. GALT, J. GILLETTE, S. GUNDERSON, E. HILL, C. HINKLE, B.  
6 LER, D. LOGE, R. MARSHALL, T. MOORE, B. PHALEN, J. READ, A. REGIER, K. SEEKINS-CROWE, L.  
7 SHELDON-GALLOWAY, D. SKEES, M. STROMSWOLD, J. TREBAS, B. USHER, S. VINTON, K. WHITMAN  
8

9 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ENFORCEMENT OF ~~ANY~~ A FEDERAL BAN  
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11 FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE  
12 APPLICABILITY DATE."  
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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17 Firearm, Magazine, and Ammunition Ban Enforcement Prohibition Act".  
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21 Montana constitution, Montana's compact with the United States, and Printz v. U.S., 521 U.S. 898 (1997).  
22

23 NEW SECTION. Section 3. Definitions. As used in [sections 1 through 4], the following definitions  
24 apply:

25 (1) "Federal ban" means a federal law, executive order, rule, regulation THAT IS ENACTED, ADOPTED, OR  
26 BECOMES EFFECTIVE ON OR AFTER JANUARY 1, 2021, or a new and more restrictive interpretation of ~~an existing~~ A  
27 law THAT EXISTED ON JANUARY 1, 2021, that infringes upon, calls in question, or prohibits, restricts, or requires  
28 individual licensure for or registration of the purchase, ownership, possession, transfer, or use of any firearm,

1 any magazine or other ammunition feeding device, or other firearm accessory.

2 (2) "Firearm" means any self-loading rifle, pistol, revolver, or shotgun or any manually loaded rifle,  
3 pistol, revolver, or shotgun.

4 (3) "Peace officer" has the meaning provided in 45-2-101, except that [sections 1 through 4] do not  
5 apply to federal employees.

6 (4) "Political subdivision" means a city, town, county, consolidated government, or other political  
7 subdivision of the state.

8  
9 **NEW SECTION. Section 4. Prohibition of enforcement.** (1) A peace officer, state employee, or  
10 employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise  
11 cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited  
12 from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or  
13 ammunition.

14 (2) An employee of the state or a political subdivision may not expend public funds or allocate public  
15 resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

16 ~~(3) [Sections 1 through 4] do not apply to:~~

17 ~~(a) the possession or use of a fully automatic firearm that will fire continuously with only one pull of~~  
18 ~~the trigger;~~

19 ~~(b) the enforcement of any federal or state law prohibiting a person with a violent felony conviction~~  
20 ~~from possessing a firearm;~~

21 ~~(c) the enforcement of any federal or state law prohibiting a person convicted of a misdemeanor~~  
22 ~~offense of domestic violence from possessing a firearm; or~~

23 ~~(d) the enforcement of a current order of protection issued pursuant to Title 40, chapter 15, prohibiting~~  
24 ~~a person from possessing a firearm.~~

25 ~~(4)(3)~~ Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state  
26 employee, or employee of a political subdivision from cooperating in an action that does not have the,  
27 COMMUNICATING, OR COLLABORATING WITH A FEDERAL AGENCY IF THE PRIMARY purpose of enforcing IS NOT:

28 (A) LAW ENFORCEMENT ACTIVITY RELATED TO A FEDERAL BAN; OR



(B) THE INVESTIGATION OF A VIOLATION OF a federal ban.

**NEW SECTION. Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 6. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1 through 4].

**NEW SECTION.** **Section 7. Effective date.** [This act] is effective on passage and approval.

**NEW SECTION. SECTION 8. RETROACTIVE APPLICABILITY. [THIS ACT] APPLIES RETROACTIVELY, WITHIN THE MEANING OF 1-2-109, TO A FEDERAL LAW, EXECUTIVE ORDER, RULE, OR REGULATION ADOPTED OR ENACTED ON OR AFTER JANUARY 1, 2021, OR A NEW AND MORE RESTRICTIVE INTERPRETATION OF A LAW THAT EXISTED ON JANUARY 1, 2021.**

END -

## HOUSE BILL NO. 258

INTRODUCED BY J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ENFORCEMENT OF ANY FEDERAL BAN ON OR REGULATION OF FIREARMS, MAGAZINES, AMMUNITION, AMMUNITION COMPONENTS, OR FIREARM ACCESSORIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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10        (a) the possession or use of a fully automatic firearm that will fire continuously with only one pull of  
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17 a person from possessing a firearm.

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20 of enforcing a federal ban.

21

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23 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
24 the part remains in effect in all valid applications that are severable from the invalid applications.

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27 codified as an integral part of Title 45, chapter 7, and the provisions of Title 45, chapter 7, apply to [sections 1  
28 through 4].

2 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

3 - END -

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on February 2, 2021 at 8:00 AM, in Room 137 Capitol

#### ROLL CALL

##### **Members Present:**

Rep. Barry Usher, Chair (R)  
Rep. Kathy Kelker, Vice Chair (D)  
Rep. Seth Berglee (R)  
Rep. Laurie Bishop (D)  
Rep. Jennifer Carlson (R)  
Rep. Robert Farris-Olsen (D)  
Rep. Frank Fleming (R)  
Rep. Tom France (D)  
Rep. Donavon Hawk (D)  
Rep. Jedediah Hinkle (R)  
Rep. Bob Phalen (R)  
Rep. Derek Skees (R)  
Rep. Ed Stafman (D)  
Rep. Danny Tenenbaum (D)

##### **Members Excused:**

Rep. Amy Regier, Vice Chair (R)  
Rep. Jane Gillette (R)  
Rep. Dennis R. Lenz (R)  
Rep. Brandon Ler (R)  
Rep. Mallerie Stromswold (R)

**Members Absent:** None

##### **Staff Present:**

Lydia Balian, Committee Secretary  
Rachel Weiss, Legislative Branch  
Hallie Swain, Remote Meeting Coordinator

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 257, 1/28/2021; HB 258, 1/28/2021; HB 262, 1/28/2021; HB 263, 1/28/2021

**HEARING ON HB 258****Opening Statement by Sponsor:**

08:04:05 Rep. Jedediah Hinkle (R), HD 67, opened the hearing on HB 258, Revise laws related to firearms, ammunition, and accessories.

08:04:12 Vice Chair Regier joined the meeting.

**Proponents' Testimony:**

08:06:53 Gary Marbut, Montana Shooting Sports Association (MSSA)

08:11:21 Garrett Bacon, self

08:11:56 Rep. Ler joined the meeting.

08:12:19 Forrest Zimmerman, self

08:15:59 Rep. Gillette joined the meeting.

08:17:20 Jesse Slaughter, Cascade County Sheriff's Office

08:20:12 Darren Gaub, self

08:21:29 Carolyn Truscott, self

08:22:21 Bonnie Parrett, self

08:22:40 Robyn Mohs, self

08:22:52 Rep. Stromswold joined the meeting.

08:23:07 Cindi Hamilton, self

08:23:52 Conrad Evarts, self

08:24:31 Jim Buell, self

08:25:20 Keith Kubista, Montana Sportsmen for Fish and Wildlife

**[EXHIBIT\(juh22a01\)](#)**

**Opponents' Testimony:**

08:27:25 Brian Thompson, Montana Sheriff's and Peace Officers Association (MSPOA)

**[EXHIBIT\(juh22a02\)](#)**

08:31:38 Shelby DeMars, Montana Police Protective Association (MPPA)

08:31:38 Chair Usher left the meeting.

08:31:40 Vice Chair Regier assumed the chair.

08:33:02 Kelly Lynch, Montana League of Cities and Towns (MLCT)

08:35:47 Jennifer Beazer, self

08:38:04 Paulette Hutcheon, self

08:39:21 Chair Usher rejoined the meeting.

**Informational Testimony:** None**Questions from Committee Members and Responses:**

08:40:48 Rep. Skees

08:42:52 Kelly Lynch, MLCT

08:43:28 Chair Usher

08:43:50 Rep. Skees

08:44:14 Rep. J. Hinkle

08:45:38 Vice Chair Kelker

08:46:33 Kelly Lynch, MLCT

08:47:47 Rep. Fleming

08:48:26 Jesse Slaughter, Cascade County Sheriff's Office

08:51:02 Rep. Berglee  
 08:53:02 Kelly Lynch, MLCT  
 08:53:42 Chair Usher  
 08:54:12 Gary Marbut, MSSA  
 08:57:29 Chair Usher  
 08:58:19 Rep. France  
 09:01:07 Rep. J. Hinkle  
 09:01:22 Chair Usher

**Closing by Sponsor:**

09:01:45 Rep. J. Hinkle

[\*\*EXHIBIT\(juh22a03\)\*\*](#)

**HEARING ON HB 257****Opening Statement by Sponsor:**

09:06:17 Rep. Jedediah Hinkle (R), HD 67, opened the hearing on HB 257, Revise laws relating to government mandates and businesses.

**Proponents' Testimony:**

09:12:40 Randy Chamberlin, self  
 09:15:57 Mike Hope, Rocking R Bar  
 09:21:44 Sarah Capp, self  
 09:26:27 Doug White, self  
 09:30:16 Vice Chair Kelker  
 09:30:48 Doug White, self  
 09:31:48 Maria Wyrock, self  
 09:35:17 Brooke Carlson, self  
 09:38:51 Darren Gaub, self  
 09:42:36 Esther Fishbaugh, self  
 09:47:50 Nellie Nicol, Freedom Protection Project  
 09:47:58 Chair Usher left the meeting.  
 09:48:00 Vice Chair Regier assumed the chair.  
 09:50:41 Don Frye, self

[\*\*EXHIBIT\(juh22a04\)\*\*](#)

09:52:50 Jackie Wahl, self  
 09:55:11 Andrew Cetraro, Gallatin County Licenced Beverage Association  
 09:55:58 Charlotte Snyder, Freedom Protection Project  
 09:58:13 Dax Cetraro, self  
 09:59:24 Chair Usher rejoined the meeting.  
 10:00:32 Franz Glaus, self  
 10:05:30 Ken Miller, self  
 10:07:31 Raven Dighans, self  
 10:11:35 Carolyn Truscott, self  
 10:14:00 Conrad Everts, Campground City  
 10:16:02 Bonnie Parrett, self  
 10:17:27 Cindi Hamilton, self  
 10:19:55 Eileen Guthrie, self

10:22:25 Cindy Schleh, self

10:23:03 Robyn Mohs, self

**Opponents' Testimony:**

10:24:28 Jim Murphy, Department of Public Health and Human Services (DPHHS)

10:27:19 Tim Burton, Montana League of Cities and Towns (MLCT)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:29:20 Rep. Stafman

10:30:38 Jim Murphy, DPHHS

10:31:14 Vice Chair Kelker

10:32:47 Jim Murphy, DPHHS

10:33:04 Rep. Skees

10:34:15 Jim Murphy, DPHHS

**Closing by Sponsor:**

10:34:34 Rep. J. Hinkle

**HEARING ON HB 262**

**Opening Statement by Sponsor:**

10:38:07 Rep. Robert Farris-Olsen (D), HD 79, opened the hearing on HB 262, Expand exemptions from collections to include student loans.

**Proponents' Testimony:**

10:45:14 Katjana Stutzer, Montana Public Interest Research Group (MontPIRG)

10:47:13 Sarah Piper, Montana Federation of Public Employees (MFPE)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:48:45 Rep. Carlson

10:49:40 Rep. Farris-Olsen

**Closing by Sponsor:**

10:50:59 Rep. Farris-Olsen

**HEARING ON HB 263**

**Opening Statement by Sponsor:**

10:51:51 Rep. Robert Farris-Olsen (D), HD 79, opened the hearing on HB 263, Revise exemption from collection laws.

**Proponents' Testimony:** None



**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

10:55:45      Rep. Farris-Olsen

**ADJOURNMENT**

Adjournment: 10:57:02

---

Lydia Balian, Secretary

lb

Additional Documents:

**EXHIBIT**([juh22aad.pdf](#))



## **2021 Session**

### **Additional Documents**

**May include the following:**

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
  - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

**The original exhibit/items are on file at the Montana Historical Society and may be viewed there.**

**BUSINESS REPORT**  
**MONTANA HOUSE OF REPRESENTATIVES**  
**67th LEGISLATURE - REGULAR SESSION**  
**HOUSE JUDICIARY COMMITTEE**

**Date:** Tuesday, February 2, 2021  
**Place:** Capitol

**Time:** 8:00 AM  
**Room:** 137

**BILLS and RESOLUTIONS HEARD:**

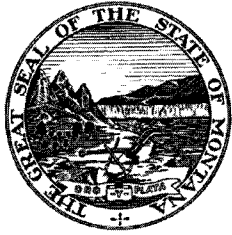
HB 257 - Revise laws relating to government mandates and businesses - Rep. Jedediah Hinkle (R)  
HB 258 - Revise laws related to firearms, ammunition, and accessories - Rep. Jedediah Hinkle (R)  
HB 262 - Expand exemptions from collections to include student loans - Rep. Robert Farris-Olsen (D)  
HB 263 - Revise exemption from collection laws - Rep. Robert Farris-Olsen (D)

**EXECUTIVE ACTION TAKEN:**

None

**Comments:**

  
\_\_\_\_\_  
REP. Barry Usher, Chair



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL

DATE: 2/2/21

| NAME                        | PRESENT | ABSENT/EXCUSED |
|-----------------------------|---------|----------------|
| REP. USHER, CHAIR           | ✓       |                |
| REP. AMY REGIER, VICE CHAIR |         | ✓              |
| REP. KELKER, VICE CHAIR     | ✓       |                |
| REP. BERGLEE                | ✓       |                |
| REP. BISHOP                 | ✓       |                |
| REP. CARLSON                | ✓       |                |
| REP. FARRIS-OLSEN           | ✓       |                |
| REP. FLEMING                | ✓       |                |
| REP. FRANCE                 | ✓       |                |
| REP. GILLETTE               |         | ✓              |
| REP. HAWK                   | ✓       |                |
| REP. JEDEDIAH HINKLE        | ✓       |                |
| REP. LENZ                   |         | ✓              |
| REP. LER                    |         | ✓              |
| REP. PHALEN                 | ✓       |                |
| REP. SKEES                  | ✓       |                |
| REP. STAFMAN                | ✓       |                |
| REP. STROMSWOLD             |         | ✓              |
| REP. TENENBAUM              | ✓       |                |

19 MEMBERS

# **WITNESS STATEMENTS**

**The following is an assortment of  
documents that are  
witness statements.**

**[A witness statement is a signed  
document recording the evidence of a  
witness.**

**A definition "a written statement  
signed by a person which contains the  
evidence which that person would be  
allowed to give orally".]**

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Sunday, January 31, 2021 10:20 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-257: Revise laws relating to government mandates and businesses 2021-02-02 08:00 AM - (H) Judiciary Successfully Submitted on 01-31-21 10:20

**Details:**

Bill: HB-257: Revise laws relating to government mandates and businesses 2021-02-02 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Douglas H White

Email: thesheikofajijic@hotmail.com

Phone: (406) 250-2558

City, State: Bigfork, MT

Written Statement: Case # BV-20209666  
2020

October 22,

State of Montana, Lewis & Clark County vs Doug White, Your Turn Mercantile and Your Lucky Turn Casino. Singed and issued by Heather Welch, Section Supervisor DPHHS

As most of the public and media are now aware, our family business of over 30 years, is owned by myself and managed by my daughter and frontline work in the convenience store by my grand daughter. A three-generation business in a landmark location at the corner of Hwy 35 and Hwy 83 just North of Bigfork, MT. Physical address 7505 Hwy 35, Bigfork, MT 59901.

Yesterday, we began being contacted by various local media outlets for comment on an action that none of us knew anything about. Three separate media outlets contacted us regarding an action from Steve Bullock in falsely targeting our business over his unconstitutional mask mandate. It is odd that members of the media had this information and my personal cell # far in advance of being process served. Our Christian, Conservative outspoken business has fallen under attack by Steve Bullock and his henchmen. We account for 40% of all of the Flathead Valley's targeted business yesterday!

Our business has a customer count of 1,600 patrons per day. It would be impossible to police or enforce the Governors mask mandate, let alone, financially feasible. This is a 'Racist' attack from the Liberal government body here in Montana. We are being slandered and falsely attacked by the Liberal Mob who hate God, our Flag, our Constitution, and certainly any Conservative beliefs that are not aligned with their Liberal agenda. All of this just 10 days before a National election!

Let's now deal with the facts as I walk you through a virtual tour of our family facility that has done everything humanly possible to help with putting down the 'China Virus'.

First it begins at the pump. Above all pumps are pump toppers explaining the importance of the fight against this virus. Both sides of all five pumps. Also, on the pumps, are stickers reasserting that we observe the 6' distancing policy. Next, we proceed to enter the front door, here you are greeted with a palm sized hand napkin dispenser not to have to physically touch the door handle. The front door is posted with all of the state mandated signs, stating that mask must be worn as well, to observe the 6' social distancing measure. Once through the door, we have a trash receptacle to dispose of that napkin. These dispensers are located throughout the facility on 'Every' door. At the front tills, face mask

is made available for patrons who would choose to wear them. At the first line of contact, with our team, you will find 30 years of A+ health board gold star store certificates. Blue 6' distancing tape is marked out on the store floor to help promote 6' safe distancing. Next, the store bathroom has a 4' hand sanitizer station for patrons to disinfect their hands. If a customer chose to enter the casino, all the same protocol and measures have been taken and provided for. I don't know what more our family can do to help keep the public safe!

All 12 of our employees, as well as myself, are doing all we can do to try and support Bullock's Mandate, but nevertheless, have been singled out for his punishment! Let it be known that this measure imposed upon our family will be fought through the State Supreme court system and on to the USA, soon to a 6-3 Conservative US Supreme Court.

I would like to invite all and any concerned or interested media to do an onsite news segment, with my family, to show just how unjust this litigation is! I, nor my daughter, were never served with this law case, and in fact we have video surveillance footage of the process server entering the store two separate times to try and serve our family.... NOT WEARING A MASK!! That would be a typical liberal "Do as I say and not as I do" scenario. Nobody accepted the book of legal documents from the process server and he simply stated to our cashier that his boss has instructed to just leave them on the counter by the till! Never, were we afforded the opportunity to correct the alleged deficiencies as we were never contacted or warned by any member of the local health department! I also have photo evidence of said Governor at a high school basketball game... NOT WEARING A MASK!! More of the same folks!

Warmest Regards,  
Douglas White  
Cell 406 250 2558  
Email: thesheikofajijic@hotmail.com  
Files:  
Testify via Zoom: Yes  
Zoom Method: Computer



## LEG Committee-House Judiciary testimony

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**From:** leg-noreply@mt.gov  
**Sent:** Saturday, January 30, 2021 7:48 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-257: Revise laws relating to government mandates and businesses 2021-02-02 08:00 AM - (H) Judiciary Successfully Submitted on 01-30-21 19:47

**Details:**

**Bill:** HB-257: Revise laws relating to government mandates and businesses 2021-02-02 08:00 AM - (H) Judiciary

**Position:** Proponent

**Representing an Entity/Another Person:** No

**Organization:** N/A

**Name:** Linda Carlson

**Email:** netherland125@yahoo.com

**Phone:** (406) 750-3521

**City, State:** Loma, Montana

**Written Statement:** I am writing to support HB257 as I believe the County Health Officers should not have the kind of power they have at this time. I feel very strongly that they need to be limited to offering recommendations rather than issuing rules and orders. Many have become very heavy handed with threatening and harassing small businesses.

I live in Chouteau County. Unlike most counties we have no larger major city. The biggest town is Fort Benton where we have 1 grocery store, 1 hardware store, 1 pharmacy (and so forth.) Because of the smaller size it is a community that has been severely impacted by these unconstitutional rules our County Health Department has in place along with their persistent badgering of businesses and schools. As you can imagine, a small community like this has been torn apart. Neighbor against neighbor, friend against friend, family members against other family members, schools against parents, and businesses against customers.

There are two members of our Health Department that seem to make it their mission to harass and threaten the businesses in Fort Benton. Worse yet is they have no problem posting very unprofessional things on the Health Department Facebook page. One example is to post when someone is not obeying "orders." While they do not name names it is still a very nasty thing to post to the public that someone in the community is (example) not following the mandates or not quarantining. They do not seem to mind the escalating tempers that have consumed our community. If we have a medical exemption it does not matter. An example is our River Market Grocery. They say no entry without a mask. If we want groceries we can either be served like a stray dog outside on the sidewalk or drive a 100 mile round trip to Great Falls and shop at Super 1.

I and others have contacted our County Commissioners on more than one occasion. In my case there has been no reply from any of them in which I sent a personal letter to each one regarding the badgering carried out by the two other members of the Health Department. You feel simply helpless as you watch your community become more divided all the time.

The worst part about all of this is that there has been so much damage between people that some of it may never be repaired. It is such a sad thing to see what has happened to our little community that once was so caring and supportive of one another and of the businesses.

I sincerely thank you for introducing this bill and strongly support its passage.

Thank you for your time and consideration;

**Files:**

**Testify via Zoom:** No

**Zoom Method:** N/A



**Missoula City-County Health Department**

301 West Alder Street | Missoula MT 59802-4123  
[www.missoulacounty.us/HealthDept](http://www.missoulacounty.us/HealthDept)

Phone | 406.258.4770  
Fax | 406.258.4857

The Missoula City-County Health Department writes in opposition to HB 257. This bill opens the door to sweeping regulatory exemptions for private businesses, leaving those entities responsible for protecting public health with no way to enforce laws in place.

While this bill is likely a reaction to measures put in place during a once-in-a-lifetime pandemic, the consequences of these changes to law will affect the everyday health of Montanans. Local boards of health and health officers are tasked with protecting consumers, which at times requires compelling business owners to deny customers access to their business or their goods and services because of unsafe conditions on the premises or because the specific goods or services offered are unsafe or unapproved for consumption.

The broad language in HB 257 could prevent boards of health and health officers from enforcing public health laws to protect members of the community. Without enforcement of public health laws at private businesses, unsafe premises or unsafe goods could continue to be present. Examples of these unsafe premises or goods include: food associated with food-borne illness, or being sold with unapproved additives; a rodent infestation at a restaurant; cloudy, unsafe water at a pool; sewage backing up in a bar; etc.. These situations pose great risk to the community if the business owner cannot be compelled to resolve the issues. The changes in this bill would enable a business to continue violating public health laws without repercussions, at the expense of innocent customers who visit that business not knowing conditions are unsafe.

This pandemic has been a test of our laws and current systems in place. After the dust settles, our public health system should be studied and reviewed. The Missoula City-County Health Department is open to change and committed to improvement. This bill would not improve public health, and we urge you to vote 'no' on HB 257.



montana  
HUMAN RIGHTS NETWORK

January 29, 2021

Dear Chairman Usher and Members of the House Judiciary Committee:

The Montana Human Rights Network opposes HB 258 on behalf of our 8,000 members and supporters across the state. We believe the bill is based on a misguided view of the U.S. Constitution and will have negative impacts on Montana communities.

While HB 258 references the Second and Tenth Amendments, the spirit of the bill better reflects when the country was under the Articles of Confederation. The bill makes it appear that states can individually decide which federal laws they will, and will not, enforce. States had more ability to operate like this under the Articles; however, the U.S. Constitution makes it clear that states must adhere to federal law. Article VI of the U.S. Constitution, which is commonly called the "Supremacy Clause," clearly states that the laws of the United States "shall be the supreme Law of the Land." HB 258 clearly violates this provision.

We also oppose the bill because of our 30 years as an organization tracking and working to prevent violence by anti-government militias and other such groups. When these groups are looking to setup shop or start mobilizing, a major consideration for them is how lenient gun laws are in a location. Passage of HB 258 won't just result in lengthy and costly court battles for the state. It will also function as a welcome mat for anti-government groups. The state already has very lax gun laws, and now the state would be on record saying that it won't enforce federal law. That is an enticing invitation to militias and other such groups.

We encourage you to stand for the U.S. Constitution, the rule of law, and the safety of our communities by voting NO on HB 258.

Travis McAdam  
*Program Director:*  
*Combating White Nationalism & Defending Democracy*  
Montana Human Rights Network  
(406) 442-5506 ext. 11  
[travis@mhrn.org](mailto:travis@mhrn.org)

My name is Paulette Hutcheon, I am a volunteer with the Montana Chapter of Moms Demand Action for Gun Sense in America. We are a grassroots movement of Americans fighting for common-sense public safety measures that respect the Second Amendment while also working to protect Americans from gun violence.

I am here today representing our group, which opposes HB 258, a dangerous bill that will tie the hands of Montana law enforcement and prevent them from stopping criminals and from preventing gun trafficking.

This bill makes it illegal for any political subdivision, agent, or employee of the state, specifically including state and local law enforcement officers, to assist with the enforcement of any federal gun laws provided those laws "do not exist under the laws of this state."

This language is vague and unclear. In fact, this bill and the confusing language it contains, will jeopardize the enforcement of all gun laws. Not only will the bill interfere with the enforcement of federal gun laws, it will almost certainly interfere with enforcement of the laws of Montana.

The bill provides no guidance as to when a law "exists" under the laws of this state. Federal law requires background checks from sales at licensed gun dealers. Montana law has no such specific requirement. Are state agencies and court clerks allowed to put records into the National Instant Criminal Background Check System under this bill?

Of course, the intent of the bill is to be as vague as possible to prevent the enforcement of any gun laws. The concerns and unanswered questions under this bill will only be multiplied in practice. That is extremely dangerous.

In fact, this bill would prevent even the most basic law enforcement cooperation between state and federal entities. Montana law enforcement frequently works hand-in-hand with federal law enforcement officials. This bill will prevent Montana law enforcement's participation in federal-state joint task forces and preventing them from assisting with a broad range of criminal investigations. This bill could even cost the state millions of dollars in federal grant funds.

Not only is this bill dangerous, it is also unnecessary. In past sessions, Moms have heard these bills being referred to as "mostly symbolic." But we wanted to appear here today to make sure this committee is aware that these bills would have real world effects.

Moms Demand Action opposes this bill and believes that we should be focusing our time and energy on talking about ways to prevent gun violence in Montana, about ways to protect our children. We think there are better uses of the state's time and this committee's time. This bill is reckless and I urge you to vote against this bill.

Thank You

## LEG Committee-House Judiciary testimony

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**From:** leg-noreply@mt.gov  
**Sent:** Monday, February 1, 2021 11:39 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-258: Revise laws related to firearms, ammunition, and accessories 2021-02-02 08:00 AM - (H) Judiciary Successfully Submitted on 02-01-21 11:38  
**Attachments:** Moms Demand Action.pdf

### Details:

Bill: HB-258: Revise laws related to firearms, ammunition, and accessories 2021-02-02 08:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: Yes

Organization: Moms Demand Action Montana

Name: Paulette Hutcheon

Email: [pauled327@gmail.com](mailto:pauled327@gmail.com)

Phone: (406) 439-1737

City, State: Helena, Montana

Written Statement: My name is Paulette Hutcheon, I am a volunteer with the Montana Chapter of Moms Demand Action for Gun Sense in America. We are a grassroots movement of Americans fighting for common-sense public safety measures that respect the Second Amendment while also working to protect Americans from gun violence.

I am here today representing our group, which opposes HB 258, a dangerous bill that will tie the hands of Montana law enforcement and prevent them from stopping criminals and from preventing gun trafficking.

This bill makes it illegal for any political subdivision, agent, or employee of the state, specifically including state and local law enforcement officers, to assist with the enforcement of any federal gun laws provided those laws “do not exist under the laws of this state.”

This language is vague and unclear. In fact, this bill and the confusing language it contains, will jeopardize the enforcement of all gun laws. Not only will the bill interfere with the enforcement of federal gun laws, it will almost certainly interfere with enforcement of the laws of Montana.

The bill provides no guidance as to when a law “exists” under the laws of this state. Federal law requires background checks from sales at licensed gun dealers. Montana law has no such specific requirement. Are state agencies and court clerks allowed to put records into the National Instant Criminal Background Check System under this bill?

Of course, the intent of the bill is to be as vague as possible to prevent the enforcement of any gun laws. The concerns and unanswered questions under this bill will only be multiplied in practice. That is extremely dangerous.

In fact, this bill would prevent even the most basic law enforcement cooperation between state and federal entities. Montana law enforcement frequently works hand-in-hand with federal law enforcement officials. This bill will prevent Montana law enforcement’s participation in federal-state joint task forces and preventing them from assisting with a broad range of criminal investigations. This bill could even cost the state millions of dollars in federal grant funds.

Not only is this bill dangerous, it is also unnecessary. In past sessions, Moms have heard these bills being referred to as “mostly symbolic.” But we wanted to appear here today to make sure this committee is aware that these bills would have real world effects.

Moms Demand Action opposes this bill and believes that we should be focusing our time and energy on talking about ways to prevent gun violence in Montana, about ways to protect our children. We think there are better uses of the state's time and this committee's time. This bill is reckless and I urge you to vote against this bill.

Thank You

Files: Moms Demand Action.pdf

Testify via Zoom: Yes

Zoom Method: Computer

# **WITNESS STATEMENT**

## **LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Sunday, January 31, 2021 12:13 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-258: Revise laws related to firearms, ammunition, and accessories 2021-02-02 08:00 AM - (H) Judiciary Successfully Submitted on 01-31-21 12:13

**Details:**

Bill: HB-258: Revise laws related to firearms, ammunition, and accessories 2021-02-02 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Stephen L. Coale

Email: Scoale@coaleandcompany.com

Phone: (281) 451-8243

City, State: Livingston, MT

Written Statement: We own a 30 acre property with a home, 12 rentals properties in the Livingston area, and a ranch outside of Harlowton, MT. HB 258 is a good bill to address the far lefts agenda regarding guns and ammo. Please support this bill. Steve Coale

Files:

Testify via Zoom: No

Zoom Method: N/A

## LEG Committee-House Judiciary testimony

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**From:** leg-noreply@mt.gov  
**Sent:** Friday, January 29, 2021 3:07 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-258: Revise laws related to firearms, ammunition, and accessories 2021-02-02 08:00 AM - (H) Judiciary Successfully Submitted on 01-29-21 15:07

**Details:**

Bill: HB-258: Revise laws related to firearms, ammunition, and accessories 2021-02-02 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Donn Sponholz

Email: donnspan@gmail.com

Phone: (406) 465-4892

City, State: Helena, MT

Written Statement: Hello my name is Donn Sponholz and I live in Helena. I would very much like to go on record in support of HB 258. I believe this bill is of the most urgent need of passage. In light of the recent federal election results I think there will be a radical implementation of sweeping gun laws that will trample our country's Second Amendment rights. It will not be a matter of if but when. We do not need our state and local law enforcement officers assisting in the implementation of these changes. Please vote to pass HB 258. Thank you.

**Files:**

Testify via Zoom: No

Zoom Method: N/A



**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Monday, February 1, 2021**

## HB 262 - Expand exemptions from collections to include student loans

**Sponsor: Rep. Robert Farris-Olsen (D)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Monday, February 1, 2021**

**HB 258 - Revise laws related to firearms, ammunition, and accessories**

**Sponsor: Rep. Jedediah Hinkle (R)**

**PLEASE PRINT**

| Name              | Representing                     | Support | Oppose | Info |
|-------------------|----------------------------------|---------|--------|------|
| GARY MARBUT       | MSSA                             | X       |        |      |
| Gareth Bacon      | Self + Family                    | X       |        |      |
| Forrest Zimmerman | Self                             | X       |        |      |
| Darin Gaub        | Self                             | X       |        |      |
| Barbara Tuscott   | Self                             | X       |        |      |
| Bonnie Parrell    | Self                             | X       |        |      |
| Jesse Shaugter    | CASCADE COUNTY STORERS           | X       |        |      |
| Brian Thompson    | MSPDA                            |         | X      |      |
| Shelby DeMars     | MT Police Protective Association |         | X      |      |
| Conrad Evans      | SELF                             | X       |        |      |
| Robyn Mohs        | Self                             | X       |        |      |
| Cindi Hamilton    | Self                             | X       |        |      |
| Dax Citraro       | Self                             | X       |        |      |
| Andrew Cetraro    | Self                             | X       |        |      |
| Mike Hope         | Self                             | X       |        |      |
|                   |                                  |         |        |      |
|                   |                                  |         |        |      |
|                   |                                  |         |        |      |
|                   |                                  |         |        |      |
|                   |                                  |         |        |      |

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Monday, February 1, 2021**

**HB 257 - Revise laws relating to government mandates and businesses**

**Sponsor: Rep. Jedediah Hinkle (R)**

**PLEASE PRINT**

| Name                         | Representing    | Support      | Oppose | Info |
|------------------------------|-----------------|--------------|--------|------|
| Gareth Bacon                 | Self + Family   | X            |        |      |
| Jackie Wahl                  | Family          | X            |        |      |
| Nelly Nicol                  | Freedom Project | X            |        |      |
| Charlotte Snyder             | Self            | X            |        |      |
| Sarah Capp                   | Self + Family   | X            |        |      |
| <del>Forrest Zimmerman</del> | <del>Self</del> | <del>X</del> |        |      |
| Darin Gaub                   | Self            | X            |        |      |
| Mike Hope                    | B Bar           | X            |        |      |
| Dax Petraro                  | Right Bar       | X            |        |      |
| Andrew Petraro               | GCLBA           | X            |        |      |
| Don FRYE                     | Academy / Kelly | X            |        |      |
| <del>Carolyn Tauscott</del>  | <del>Self</del> | <del>X</del> |        |      |
| Bonnie Parrett               | Self            | X            |        |      |
| Eileen Guthrie               | Self            | X            |        |      |
| Cindy Schleh                 | Self            | X            |        |      |
| Randy Dighans                | Self            | X            |        |      |
| Conrad Evans                 | My Businesses   | X            |        |      |
| Randy Chamberlin             | my Self         | X            |        |      |
| Robyn Moks                   | Self            | X            |        |      |
| Cindi Hamilton               | Self            | X            |        |      |
|                              |                 |              |        |      |
|                              |                 |              |        |      |

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

# Monday, February 1, 2021

## HB 263 - Revise exemption from collection laws

**Sponsor: Rep. Robert Farris-Olsen (D)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

## House Judiciary Zoom Testimony 02.02.2021

| Bill          | Name              | Location              | Email                        | Position  | Affiliation                        |
|---------------|-------------------|-----------------------|------------------------------|-----------|------------------------------------|
| <b>HB-257</b> | <b>Proponents</b> |                       |                              |           |                                    |
| HB-257        | Brooke Carlson    | Fort Benton, Montana  | brooke.l.carlson@gmail.com   | Proponent |                                    |
| HB-257        | Esther Fishbaugh  | Bozeman, Montana      | efishbaugh@gmail.com         | Proponent |                                    |
| HB-257        | Maria Wyrock      | Bozeman, Montana      | wyrock@protonmail.com        | Proponent |                                    |
| HB-257        | Ken D Miller      | Laurel, Montana       | kendmiller57@earthlink.net   | Proponent |                                    |
| HB-257        | Franz Glaus       | Bozeman, Montana      | franz.glaus@gmail.com        | Proponent |                                    |
| HB-257        | Douglas White     | Bigfork, Montana      | thesheikofajijic@hotmail.com | Proponent |                                    |
|               | <b>Opponents</b>  |                       |                              |           |                                    |
| HB-257        | Tim Burton        | Helena, Montana       | tim.burton@mtleague.net      | Opponent  | MT League of Cities and Towns      |
| HB-257        | Jim Murphy        | Helena, Montana       | jmurphy@mt.gov               | Opponent  | DPHHS                              |
| HB-257        | Cora Neumann      | Bozeman, Montana      | cora@wearemontana.org        | Opponent  | We Are Montana                     |
|               |                   |                       |                              |           |                                    |
| <b>HB-258</b> | <b>Proponents</b> |                       |                              |           |                                    |
| HB-258        | Keith Kubista     | Stevensville, Montana | kredtailhawk@gmail.com       | Proponent | MT Sportsmen for Fish and Wildlife |
| HB-258        | Jim Buell         | Gildford, Montana     | 7mbuell@itstriangle.com      | Proponent |                                    |
|               | <b>Opponents</b>  |                       |                              |           |                                    |
| HB-258        | Paulette Hutcheon | Helena, Montana       | pauled327@gmail.com          | Opponent  | Moms Demand Action Montana         |
| HB-258        | Jennifer Beazer   | Kalispell, Montana    | jennbeazer@gmail.com         | Opponent  |                                    |
| HB-258        | Kelly Lynch       | Helena, Montana       | kelly.lynch@mtleague.net     | Opponent  | MT League of Cities and Towns      |
|               |                   |                       |                              |           |                                    |
| <b>HB-262</b> | <b>Proponent</b>  |                       |                              |           |                                    |
| HB-262        | Sarah Piper       | East Helena, Montana  | spiper@mgpe.org              | Proponent | MFPE                               |

**LEG Committee-House Judiciary testimony**

**From:** leg-noreply@mt.gov  
**Sent:** Sunday, January 31, 2021 1:17 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-258: Revise laws related to firearms, ammunition, and accessories 2021-02-02 08:00 AM - (H) Judiciary Successfully Submitted on 01-31-21 13:16

**Details:**

Bill: HB-258: Revise laws related to firearms, ammunition, and accessories 2021-02-02 08:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Montana Sportsmen for Fish and Wildlife

Name: Keith Kubista

Email: kredtailhawk@gmail.com

Phone: (406) 360-7462

City, State: Stevensville Montana

Written Statement: Mr. Chairman, members of the committee, My name is Keith Kubista from Stevensville MT

Representing myself, and the Montana Sportsmen for Fish and Wildlife - a statewide non-profit sportsmen's group committed to protecting hunting, trapping, fishing, and shooting sports traditions.

We are in strong support of House Bill 258.

I want to thank the sponsor for his work on the bill to ensure protection of our constitutional rights and our great traditions of participating in all shooting sports activities.

In the past we have seen invidious bans on firearms, ammunition, magazines and other components so this bill is not without historical perspective or precedent.

Now is the time for choosing to support our bedrock of freedom over the federal Administrations worst compulsions and disregard for those rights and freedoms with incursions from executive actions or other methods.

HB 258 Astutely establishes a necessary local firewall against accommodating arbitrary federal control, overreach, and abuse, that only criminalizes honest law-abiding citizens but has little effect on violent gun crimes.

Criminals do not take a holiday when gun bans are implemented, for them it's a bonanza.

Stricter gun control laws and ill-advised bans on firearms, magazines, or ammunition won't prevent them from making their way into the hands of those with malicious intent.

What one more federal law, executive order, or other repressive regulation do you think is going to stop a criminal who does not care about current laws?

It's been proven, repeatedly, in states and cities like Chicago, Detroit, New York, DC, LA, and Baltimore that strict gun laws and firearms bans do not create crime free zones.

Firearm bans created at the federal level or the real essence of "gun control" is not the disarming of criminal elements or unstable individuals—who would still have access to guns through illegal channels—it is the disarming of honest law-abiding citizens on the whole.

The time has come to be honest by looking harder at those who choose to kill people instead of at weapons and their components.

If not for the prohibitions enumerated in HB 258, how will we, then preserve against the repudiating proclivities of the cancel culture as it brings our way of life to an end?

Considering all these reasons Montana certainly has the right if not the duty to stand down against impractical firearm bans that conflict with our constitutional rights, interfere with our safety, and imperil our traditions.

We respectfully request the committee pass HB 258.

Keith Kubista

Director of Government Affairs

Montana Sportsmen for Fish and Wildlife



**HB 258 – MSPOA Amendments**

**Contact: Brian Thompson; Nanette Gilbertson**

**Amendment #1**

Strike from the word **assisting** on line 3 through the word **implementing** on line 6.

NEW SECTION. **Section 4. Prohibition of enforcement.** (1) A peace officer, state employee, or employee of a political subdivision is prohibited from enforcing, ~~assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited from participating in any federal enforcement action implementing~~ **a federal ban on firearms, magazines, or ammunition.**

**Amendment #2**

Strike the word **violent** on line 12.

NEW SECTION. **Section 4. Prohibition of enforcement.**(1) A peace officer, state employee, or employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or ammunition.

(2) An employee of the state or a political subdivision may not expend public funds or allocate public resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

(3) [Sections 1 through 4] do not apply to:

(a) the possession or use of a fully automatic firearm that will fire continuously with only one pull of the trigger;

(b) the enforcement of any federal or state law prohibiting a person with a ~~violent~~ felony conviction from possessing a firearm;

EXHIBIT 3

DATE 2/2/21

HB 258

I will have nothing to do with any form of federal gun control. Irregardless of whether I had the manpower to do such a thing, I believe it is a violation of the U.S. Constitution and the Montana State Constitution, both of which I have sworn an oath to uphold.

Respectfully.

Tom Rummel

Sanders County Sheriff



## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on February 12, 2021 at 8:00 AM, in Room 137  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Barry Usher, Chair (R)  
Rep. Kathy Kelker, Vice Chair (D)  
Rep. Amy Regier, Vice Chair (R)  
Rep. Laurie Bishop (D)  
Rep. Jennifer Carlson (R)  
Rep. Robert Farris-Olsen (D)  
Rep. Tom France (D)  
Rep. Jane Gillette (R)  
Rep. Donavon Hawk (D)  
Rep. Jedediah Hinkle (R)  
Rep. Dennis R. Lenz (R)  
Rep. Brandon Ler (R)  
Rep. Bob Phalen (R)  
Rep. Derek Skees (R)  
Rep. Ed Stafman (D)  
Rep. Mallerie Stromswold (R)  
Rep. Danny Tenenbaum (D)

**Members Excused:**

Rep. Seth Berglee (R)  
Rep. Frank Fleming (R)

**Members Absent:** None

**Staff Present:**

Lydia Balian, Committee Secretary  
Rachel Weiss, Legislative Branch  
Joe Carroll, Legislative Branch  
Hallie Swain, Remote Meeting Coordinator

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Executive Action on: HB 115; HB 237; HB 244; HB 257; HB 258; HB 293; HB 308; HB 309; HB 310; HB 313; HB 322; HB 325; HB 327; HB 331; SB 17; SB 39; SB 114; SB 127

**EXECUTIVE ACTION ON HB 115**

09:39:05 Rachel Weiss, Legislative Services Division (LSD)

09:39:20 **Motion:** Rep. A. Regier moved that **HB 115 DO PASS.**

09:39:39 **Motion:** Rep. A. Regier moved that **HB 115 BE AMENDED.**

**EXHIBIT(juh30a01)**

**Discussion:**

09:40:00 Rachel Weiss, LSD

09:41:17 Chair Usher

09:41:25 Rep. Bishop

09:42:22 Joe Carroll, Legislative Services Division (LSD)

09:42:32 Rep. Skees

09:43:12 Joe Carroll, LSD

09:43:20 Rachel Weiss, LSD

09:44:13 Rep. Skees

09:44:35 Chair Usher

09:44:47 Vice Chair Kelker

09:45:45 Rep. Carlson

09:46:21 Rep. Bishop

09:48:08 Rep. Skees

09:49:09 Chair Usher

09:49:38 Rep. France

09:50:56 Rep. Carlson

09:52:06 Vice Chair Kelker

09:53:56 Chair Usher

09:54:15 Rep. Lenz

09:54:46 Rep. J. Hinkle

09:55:22 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. J. Hinkle, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Berglee and Rep. Fleming voted by proxy.

09:56:28 Chair Usher

09:57:34 **Vote:** Motion carried 16-3 by roll call vote with Rep. Bishop, Rep. Farris-Olsen and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

**EXECUTIVE ACTION ON HB 237**

09:59:14 Rachel Weiss, LSD

09:59:32 **Motion:** Rep. A. Regier moved that **HB 237 DO PASS.**

**Discussion:**

09:59:45 Rep. Stafman

10:00:31 **Motion:** Rep. A. Regier moved that **HB 237 BE AMENDED.**  
[EXHIBIT\(juh30a02\)](#)

**Discussion:**

10:01:14 Rachel Weiss, LSD

10:04:07 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy.

10:04:43 **Motion:** Rep. A. Regier moved that **HB 237 DO PASS AS AMENDED.**

**Discussion:**

10:04:53 Rep. J. Hinkle

10:06:08 Rep. Tenenbaum

10:07:12 Rep. Lenz

10:07:47 **Vote:** Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Berglee and Rep. Fleming voted by proxy.

10:09:16 **Motion/Vote:** Rep. A. Regier moved that **HB 237 BE TABLED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 244**

10:10:03 Rachel Weiss, LSD

10:10:23 **Motion:** Rep. A. Regier moved that **HB 244 DO PASS.**

**Discussion:**

10:10:42 Rep. Stafman

10:15:35 Rep. Skees

10:16:26 Rep. Gillette

10:16:55 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman, Rep. Stromswold and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

**EXECUTIVE ACTION ON HB 257**

10:18:04 Rachel Weiss, LSD

10:18:46 **Motion:** Rep. A. Regier moved that **HB 257 DO PASS.**

**Discussion:**

10:19:24 Rep. J. Hinkle

10:19:32 Rachel Weiss, LSD

10:22:00 **Motion/Vote:** Rep. J. Hinkle moved that **HB 257 BE AMENDED**. Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

[EXHIBIT\(juh30a03\)](#)

10:23:21 **Motion:** Rep. A. Regier moved that **HB 257 DO PASS AS AMENDED**.

10:23:33 **Motion:** Rep. J. Hinkle moved that **HB 257 BE AMENDED**.

[EXHIBIT\(juh30a04\)](#)

**Discussion:**

10:24:10 Rep. J. Hinkle

10:26:03 Rep. Bishop

10:27:53 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

10:28:51 **Motion:** Rep. A. Regier moved that **HB 257 DO PASS AS AMENDED**.

10:28:59 **Motion:** Rep. J. Hinkle moved that **HB 257 BE AMENDED**.

[EXHIBIT\(juh30a05\)](#)

**Discussion:**

10:31:23 Rep. Stafman

10:32:38 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

10:33:34 **Motion:** Rep. A. Regier moved that **HB 257 DO PASS AS AMENDED**.

**Discussion:**

10:33:57 Rep. France

10:36:16 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

**EXECUTIVE ACTION ON HB 258**

10:37:33 Rachel Weiss, LSD

10:37:52 **Motion:** Rep. A. Regier moved that **HB 258 DO PASS**.

**Discussion:**

10:38:32 Rep. J. Hinkle

10:39:16 **Motion/Vote:** Rep. J. Hinkle moved that **HB 258 BE AMENDED**. Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

[EXHIBIT\(juh30a06\)](#)

10:43:58 **Motion:** Rep. A. Regier moved that **HB 258 DO PASS AS AMENDED**.

10:44:06 **Motion/Vote:** Rep. J. Hinkle moved that **HB 258 BE AMENDED**. Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

[EXHIBIT\(juh30a07\)](#)

10:46:24 **Motion:** Rep. A. Regier moved that **HB 258 DO PASS AS AMENDED**.

10:46:40 **Motion:** Rep. Usher moved that **HB 258 BE AMENDED**.

[EXHIBIT\(juh30a08\)](#)

**Discussion:**

10:47:40 Rep. Gillette  
10:47:50 Chair Usher  
10:48:23 Rep. Carlson  
10:48:37 Chair Usher  
10:48:49 Brian Thompson, Montana County Attorneys' Association (MCAA); Montana Sheriffs and Peace Officers Association (MSPOA)  
10:49:30 Rep. Carlson  
10:50:10 Brian Thompson, MCAA; MSPOA  
10:50:30 Chair Usher  
10:50:46 Rep. Carlson  
10:51:02 Brian Thompson, MCAA; MSPOA  
10:51:34 Chair Usher  
10:51:52 Rep. Carlson

10:52:30 **Vote:** Motion failed 7-12 by roll call vote with Rep. Berglee, Rep. Fleming, Rep. A. Regier, Rep. Skees, Rep. Stafman, Rep. Stromswold and Rep. Usher voting aye. Rep. Berglee and Rep. Fleming voted by proxy.

10:53:41 **Vote:** Motion failed 4-15 by roll call vote with Rep. J. Hinkle, Rep. Lenz, Rep. Ler and Rep. Phalen voting aye. Rep. Berglee and Rep. Fleming voted by proxy.

10:54:57 **Motion/Vote:** Rep. A. Regier moved that **HB 258 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 293**

10:55:17 Rachel Weiss, LSD

10:55:42 **Motion/Vote:** Rep. A. Regier moved that **HB 293 DO PASS**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy.

**EXECUTIVE ACTION ON HB 308**

10:56:54 Rachel Weiss, LSD

10:57:16 **Motion/Vote:** Rep. A. Regier moved that **HB 308 DO PASS**. Motion failed 4-15 by roll call vote with Rep. Bishop, Rep. Hawk, Rep. Kelker and Rep. Stafman voting aye. Rep. Berglee and Rep. Fleming voted by proxy.

10:58:53 **Motion/Vote:** Rep. A. Regier moved that **HB 308 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 309**

10:59:08 Rachel Weiss, LSD

10:59:41 **Motion/Vote:** Rep. A. Regier moved that **HB 309 DO PASS**. Motion carried unanimously by roll call vote. Rep. Berglee and Rep. Fleming voted by proxy.

**EXECUTIVE ACTION ON HB 310**

11:01:01 Rachel Weiss, LSD

11:01:30 **Motion/Vote:** Rep. A. Regier moved that **HB 310 DO PASS**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy.

**EXECUTIVE ACTION ON HB 313**

11:02:14 Rachel Weiss, LSD

11:02:38 **Motion/Vote:** Rep. A. Regier moved that **HB 313 DO PASS**. Motion carried 15-4 by roll call vote with Rep. Farris-Olsen, Rep. France, Rep. Hawk and Rep. Stafman voting no. Rep. Berglee and Rep. Fleming voted by proxy.

**EXECUTIVE ACTION ON HB 322**

11:04:08 Rachel Weiss, LSD

11:04:31 **Motion/Vote:** Rep. A. Regier moved that **HB 322 DO PASS**. Motion carried 13-6 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

**EXECUTIVE ACTION ON HB 325**

11:06:36 Rachel Weiss, LSD

11:06:56 **Motion:** Rep. A. Regier moved that **HB 325 DO PASS**.

**Discussion:**

11:07:11 Rep. France

11:08:04 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. J. Hinkle, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

**EXECUTIVE ACTION ON HB 327**

11:09:09 Rachel Weiss, LSD

11:09:24 **Motion:** Rep. A. Regier moved that **HB 327 DO PASS**.

**Discussion:**

11:09:37 Rep. Skees

11:10:14 Vice Chair Kelker

11:10:31 **Vote:** Motion failed 0-17 by voice vote.

11:10:45 **Motion/Vote:** Rep. A. Regier moved that **HB 327 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 331**

11:11:12 Rachel Weiss, LSD

11:11:36 **Motion/Vote:** Rep. A. Regier moved that **HB 331 DO PASS**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy.

**EXECUTIVE ACTION ON SB 17**

11:12:25 Rachel Weiss, LSD

11:12:42 **Motion/Vote:** Rep. A. Regier moved that **SB 17 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy. Rep. Hawk will carry the bill.

**EXECUTIVE ACTION ON SB 114**

11:13:43 Rachel Weiss, LSD

11:14:09 **Motion:** Rep. A. Regier moved that **SB 114 BE CONCURRED IN**.

11:14:31 **Motion/Vote:** Rep. Farris-Olsen moved that **SB 114 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy.

**EXHIBIT**(juh30a09)

11:15:48 **Motion/Vote:** Rep. A. Regier moved that **SB 114 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy. Rep. Gillette will carry the bill.

11:17:00 Rep. Skees

11:17:32 Rep. Bishop

11:18:17 Rep. Stromswold



**ADJOURNMENT**

Adjournment: 11:18:41

---

Lydia Balian, Secretary

lb

Additional Documents:

**EXHIBIT**([juh30aad.pdf](#))



## **2021 Session**

### **Additional Documents**

**May include the following:**

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**  
**Petitions, Pamphlets, Leaflets, Brochures, Emails, all**  
**documents given to Committee Secretary 24 hours**  
**after the meeting adjourned.**

**The original exhibit/items are on file at the Montana Historical Society and may be viewed there.**

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
67th LEGISLATURE - REGULAR SESSION**

**HOUSE JUDICIARY COMMITTEE**

**Date:** Friday, February 12, 2021

**Place:** Capitol

**Time:** 8:00 AM

**Room:** 137

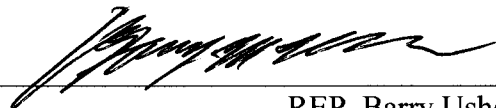
**BILLS and RESOLUTIONS HEARD:**

None

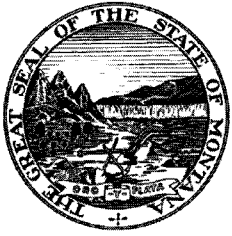
**EXECUTIVE ACTION TAKEN:**

HB 115 - Do Pass  
HB 237 - Be Tabled  
HB 244 - Do Pass  
HB 257 - Do Pass as Amended  
HB 258 - Be Tabled  
HB 293 - Do Pass  
HB 308 - Be Tabled  
HB 309 - Do Pass  
HB 310 - Do Pass  
HB 313 - Do Pass  
HB 322 - Do Pass  
HB 325 - Do Pass  
HB 327 - Be Tabled  
HB 331 - Do Pass  
SB 17 - Be Concurred In  
SB 114 - Be Concurred In as Amended

**Comments:**



REP. Barry Usher, Chair



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL

DATE: 2/12/21

| NAME                        | PRESENT | ABSENT/EXCUSED |
|-----------------------------|---------|----------------|
| REP. USHER, CHAIR           | ✓       |                |
| REP. AMY REGIER, VICE CHAIR | ✓       |                |
| REP. KELKER, VICE CHAIR     | ✓       |                |
| REP. BERGLEE                |         | ✓              |
| REP. BISHOP                 | ✓       |                |
| REP. CARLSON                | ✓       |                |
| REP. FARRIS-OLSEN           | ✓       |                |
| REP. FLEMING                |         | ✓              |
| REP. FRANCE                 | ✓       |                |
| REP. GILLETTE               | ✓       |                |
| REP. HAWK                   | ✓       |                |
| REP. JEDEDIAH HINKLE        | ✓       |                |
| REP. LENZ                   | ✓       |                |
| REP. LER                    | ✓       |                |
| REP. PHALEN                 | ✓       |                |
| REP. SKEES                  | ✓       |                |
| REP. STAFMAN                | ✓       |                |
| REP. STROMSWOLD             | ✓       |                |
| REP. TENENBAUM              | ✓       |                |

19 MEMBERS



## HOUSE STANDING COMMITTEE REPORT

February 12, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 17** (second house second reading copy -- tan) **be concurred in.**

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

To be carried by Representative Donavon Hawk

- END -

**Committee Vote:**

**Yes 19, No 0**

Fiscal Note Required ☐

SB0017001SC19687.hlc

2.12.21  
JH 12:47pm  
(F)



## HOUSE STANDING COMMITTEE REPORT

February 12, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 331** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

  
*Representative Barry Usher, Chair*

- END -

**Committee Vote:**

**Yes 19, No 0**

Fiscal Note Required ☐

HB0331001SC.hlc

2-12-21  
JR 12:48pm  
(P)



## HOUSE STANDING COMMITTEE REPORT

February 12, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 325** (first reading copy -- white) do pass.

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

- END -

**Committee Vote:**

**Yes 11, No 8**

Fiscal Note Required ☐

HB0325001SC.hlc

2/12/21  
12:19pm  
(12)



## HOUSE STANDING COMMITTEE REPORT

February 12, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 322** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

- END -

**Committee Vote:**

**Yes 13, No 6**

Fiscal Note Required ☐

HB0322001SC.hlc

2.12.21  
R 12:50pm  
(F)





## HOUSE STANDING COMMITTEE REPORT

February 12, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 313** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

- END -

**Committee Vote:**

**Yes 15, No 4**

Fiscal Note Required \_\_\_\_

HB0313001SC.hlc

2.12.21  
JR 12:58 PM  
(E)



## HOUSE STANDING COMMITTEE REPORT

February 12, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 310** (first reading copy -- white) **do pass**.

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

- END -

**Committee Vote:**

**Yes 19, No 0**

Fiscal Note Required ☐

HB0310001SC.hlc

2.12.21  
JR 12:51pm  
⑦



## HOUSE STANDING COMMITTEE REPORT

February 12, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 309** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

- END -

**Committee Vote:**

**Yes 19, No 0**

Fiscal Note Required ☐

HB0309001SC.hlc

2.12.21  
JR 12:52pm  
(R)



## HOUSE STANDING COMMITTEE REPORT

February 12, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 293** (first reading copy -- white) do pass.

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

- END -

**Committee Vote:**

**Yes 19, No 0**

Fiscal Note Required ☐

HB0293001SC.hlc

2.12.21  
JR 12:53pm  
(F)



## HOUSE STANDING COMMITTEE REPORT

February 12, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 244** (first reading copy -- white) do pass.

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

- END -

**Committee Vote:**

**Yes 11, No 8**

Fiscal Note Required ☐

HB0244001SC.hlc

2.12.21  
JH 12:53pm  
(R)



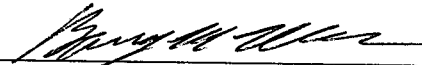
## HOUSE STANDING COMMITTEE REPORT

February 12, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 115** (first reading copy -- white) do pass.

Signed:   
*Representative Barry Usher, Chair*

- END -

**Committee Vote:**

**Yes 16, No 3**

Fiscal Note Required ☐

HB0115001SC.hlc

2.12.21  
JR 12:54pm  
(7)



## HOUSE STANDING COMMITTEE REPORT

February 12, 2021

Page 1 of 3

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 257** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

### **And, that such amendments read:**

1. Title, line 9.

Following: "FROM"

Insert: "CERTAIN"

2. Title, line 11.

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE "

3. Page 6.

Following: line 5

Insert: "(3) The prohibition provided in subsection (2)(c) does not apply to persons confirmed to have a communicable disease and who are currently under a public quarantine order."

**Renumber:** subsequent subsections

4. Page 6.

Following: line 13

Insert: "(7) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company."

5. Page 7.

Following: line 1

Insert: "(3) The prohibition provided for in subsection (2)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public quarantine order."

**Renumber:** subsequent subsections

6. Page 7.

Following: line 4

Insert: "(6) As used in this section, "private business" means an individual

### **Committee Vote:**

**Yes 12, No 7**

**Fiscal Note Required** \_\_

HB0257001SC.hlc

2.15.21  
JR 9:39 AM  
(1)

or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company."

7. Page 8.

Following: line 7

Insert: "(3) The prohibition provided for in subsection (2)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public quarantine order."

Renumber: subsequent subsection

8. Page 8.

Following: line 11

Insert: "(5) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company."

9. Page 10, line 25.

Strike: "In the course of implementing the powers and duties provided in this section, a local health board"

Insert: "A regulation, including but not limited to a regulation allowed in subsection (2)(c)(i), (2)(c)(ii), or (2)(c)(vi), adopted or a directive or order implemented to carry out the provisions of this part that applies to the entire jurisdictional area of a town, city, or county under the jurisdiction of the local health board"

10. Page 11.

Following: line 9

Insert: "(5) The prohibition provided for in subsection (4)(b) does not apply to persons confirmed to have a communicable disease and who are currently under a public quarantine order.

(6) As used in this section, "private business" means an individual or entity that is not principally a part of or associated with a government unit. The term includes but is not limited to a nonprofit or for-profit entity, a corporation, a sole proprietorship, or a limited liability company."

11. Page 11, line 25.

Strike: "In the course of implementing the powers and duties provided in this section, a"

Insert: "A"

12. Page 11, line 26.

Following: "may not"

Strike: ":

Insert: "enforce a regulation, directive, or order or issue an order that is in violation of 50-2-116(4)."

13. Page 11, line 27 through page 12, line 9.

Strike: subsections (a) through (c) in their entirety

14. Page 13.

Following: line 4

Insert: "NEW SECTION. Section 13. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to ordinances, resolutions, orders, regulations, mandates, directives, programs, and plans enacted or adopted on or after January 1, 2020."

Renumber: subsequent sections



- END -

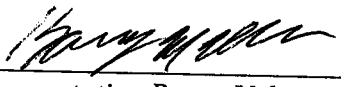


## HOUSE STANDING COMMITTEE REPORT

February 12, 2021  
Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 114** (second house second reading copy -- tan) be concurred in as amended.

Signed:   
Representative Barry Usher, Chair

To be carried by Representative Jane Gillette

### And, that such amendments read:

1. Title, line 6.  
Following: "AUTHORITY;"  
Strike: "AND"  
Following: "MCA"  
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
2. Page 1.  
Following: line 21  
Insert: "NEW SECTION. Section 2. {standard} Effective date. [This act] is effective on passage and approval."  
Renumber: subsequent sections

- END -

**Committee Vote:**

**Yes 19, No 0**

Fiscal Note Required ☐

SB0114001SC19682.h1c

2-15-21  
5:29:40AM  
(R)

-----  
COMMITTEE FILE COPY

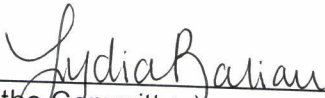
## BILL TABLED NOTICE

### HOUSE JUDICIARY COMMITTEE

The HOUSE JUDICIARY COMMITTEE TABLED

HB 237 - Generally revise cell phone regulations - Rep. Denley Loge (R)  
HB 258 - Revise laws related to firearms, ammunition, and accessories - Rep. Jedediah Hinkle (R)  
HB 308 - Generally revise dyed diesel tax laws - Rep. Neil Duram (R)  
HB 327 - Provide default definitions for covenants limiting the use of real property - Rep. Julie Dooling (R)

by motion, on **Friday, February 12, 2021** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

  
(For the Committee)

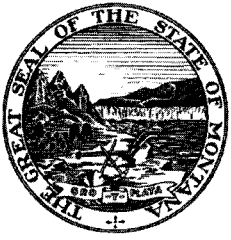
  
(For the Chief Clerk of the House)

11:57AM / 2/12  
(Time) (Date)

February 12, 2021 (11:49am)

Lydia Balian, Secretary

Phone: 444-4872



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

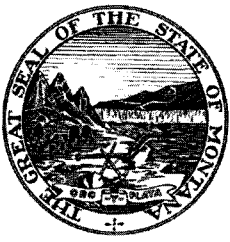
BILL NUMBER HB 115

DATE 2/12/21

MOTION Do Pass Amendment HB115.1.2

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR |     | ✓  |       |
| REP. KELKER, VICE CHAIR     | ✓   |    |       |
| REP. CARLSON                |     | ✓  |       |
| REP. STROMSWOLD             |     | ✓  |       |
| REP. BERGLEE                |     | ✓  | ✓     |
| REP. PHALEN                 |     | ✓  |       |
| REP. FLEMING                |     | ✓  | ✓     |
| REP. STAFMAN                | ✓   |    |       |
| REP. LENZ                   |     | ✓  |       |
| REP. GILLETTE               |     | ✓  |       |
| REP. LER                    |     | ✓  |       |
| REP. TENENBAUM              | ✓   |    |       |
| REP. BISHOP                 | ✓   |    |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   | ✓   |    |       |
| REP. SKEES                  |     | ✓  |       |
| REP. FARRIS-OLSEN           | ✓   |    |       |
| REP. FRANCE                 | ✓   |    |       |
| REP. USHER, CHAIR           |     | ✓  |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

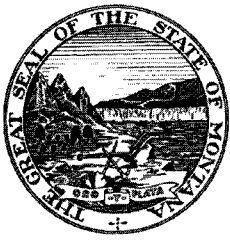
BILL NUMBER HB 115

DATE 2/12/21

MOTION Do Pass

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     | ✓   |    |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                | ✓   |    |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   | ✓   |    |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 | ✓   |    |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

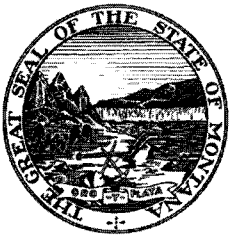
BILL NUMBER HB 237

DATE 2/12/21

MOTION Do Pass as Amended

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR |     | ✓  |       |
| REP. KELKER, VICE CHAIR     | ✓   |    |       |
| REP. CARLSON                |     | ✓  |       |
| REP. STROMSWOLD             |     | ✓  |       |
| REP. BERGLEE                |     | ✓  | ✓     |
| REP. PHALEN                 |     | ✓  |       |
| REP. FLEMING                |     | ✓  | ✓     |
| REP. STAFMAN                | ✓   |    |       |
| REP. LENZ                   |     | ✓  |       |
| REP. GILLETTE               |     | ✓  |       |
| REP. LER                    |     | ✓  |       |
| REP. TENENBAUM              | ✓   |    |       |
| REP. BISHOP                 | ✓   |    |       |
| REP. J. HINKLE              |     | ✓  |       |
| REP. HAWK                   | ✓   |    |       |
| REP. SKEES                  |     | ✓  |       |
| REP. FARRIS-OLSEN           | ✓   |    |       |
| REP. FRANCE                 | ✓   |    |       |
| REP. USHER, CHAIR           |     | ✓  |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

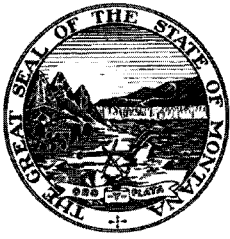
BILL NUMBER HB 244

DATE 2/12/21

MOTION Do Pass

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             |     | ✓  |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

BILL NUMBER HB 257

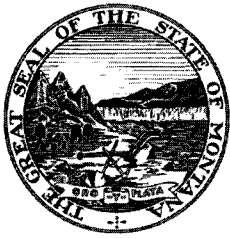
DATE 2/12/21

MOTION Do Pass as Amended

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS





*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

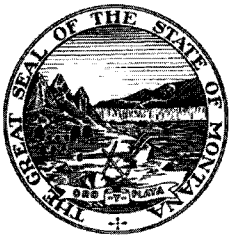
BILL NUMBER HB 257

DATE 2/12/21

MOTION Do Pass Amendment HB257.1.1

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

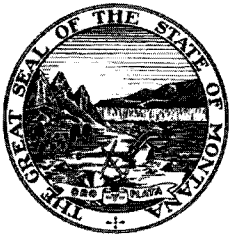
BILL NUMBER HB 257

DATE 2/12/21

MOTION Do Pass Amendment HB257.1.2

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## JUDICIARY COMMITTEE

### ROLL CALL VOTE

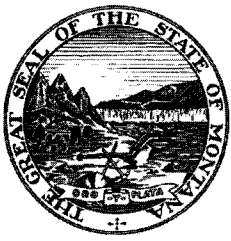
BILL NUMBER HB 257

DATE 2/12/21

MOTION Do Pass Amendment HB257.1.3

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

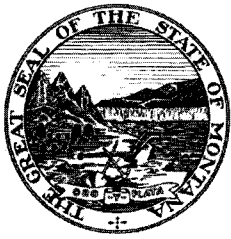
BILL NUMBER HB 258

DATE 2/12/21

MOTION Do Pass Amendment HB258.1.1

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

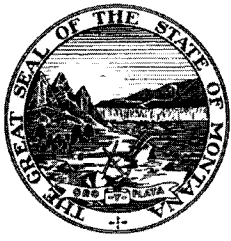
BILL NUMBER HB 258

DATE 2/12/21

MOTION Do Pass Amendment HB258.1.3

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

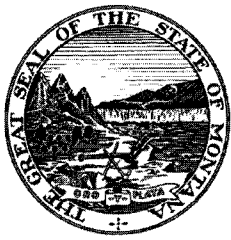
BILL NUMBER HB 258

DATE 2/12/21

MOTION Do Pass Amendment HB258.1.2

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                |     | ✓  |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 |     | ✓  |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                | ✓   |    |       |
| REP. LENZ                   |     | ✓  |       |
| REP. GILLETTE               |     | ✓  |       |
| REP. LER                    |     | ✓  |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              |     | ✓  |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

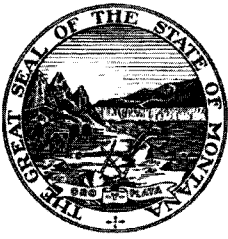
BILL NUMBER HB 258

DATE 2/12/21

MOTION Do Pass as Amended

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR |     | ✓  |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                |     | ✓  |       |
| REP. STROMSWOLD             |     | ✓  |       |
| REP. BERGLEE                |     | ✓  | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                |     | ✓  | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               |     | ✓  |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  |     | ✓  |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           |     | ✓  |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

BILL NUMBER HB 308

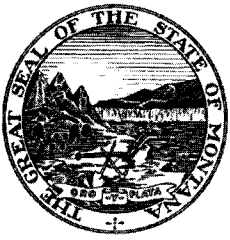
DATE 2/12/21

MOTION Do Pass

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR |     | ✓  |       |
| REP. KELKER, VICE CHAIR     | ✓   |    |       |
| REP. CARLSON                |     | ✓  |       |
| REP. STROMSWOLD             |     | ✓  |       |
| REP. BERGLEE                |     | ✓  | ✓     |
| REP. PHALEN                 |     | ✓  |       |
| REP. FLEMING                |     | ✓  | ✓     |
| REP. STAFMAN                | ✓   |    |       |
| REP. LENZ                   |     | ✓  |       |
| REP. GILLETTE               |     | ✓  |       |
| REP. LER                    |     | ✓  |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 | ✓   |    |       |
| REP. J. HINKLE              |     | ✓  |       |
| REP. HAWK                   | ✓   |    |       |
| REP. SKEES                  |     | ✓  |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           |     | ✓  |       |

19 MEMBERS





*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

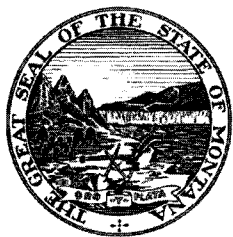
BILL NUMBER HB 309

DATE 2/12/21

MOTION Do Pass

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     | ✓   |    |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                | ✓   |    |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              | ✓   |    |       |
| REP. BISHOP                 | ✓   |    |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   | ✓   |    |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           | ✓   |    |       |
| REP. FRANCE                 | ✓   |    |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

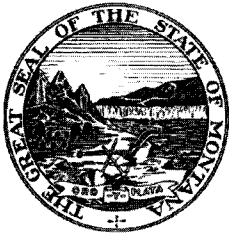
BILL NUMBER HB 313

DATE 2/12/21

MOTION Do Pass

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     | ✓   |    |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              | ✓   |    |       |
| REP. BISHOP                 | ✓   |    |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

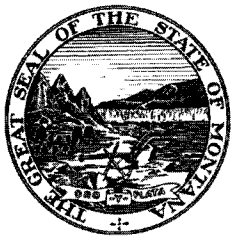
BILL NUMBER HB 322

DATE 2/12/21

MOTION Do Pass

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   | ✓   |    |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

BILL NUMBER HB 325

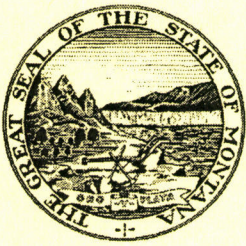
DATE 2/12/21

MOTION Do Pass

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    | ✓     |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              |     | ✓  |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Rejer.

| BILL                  | AYE | NO |
|-----------------------|-----|----|
| HB 115, 1.2 Amendment |     | ✓  |
| HB 115                | ✓   |    |
| Amendment HB 237, 1.1 | ✓   |    |
| HB 237                |     | ✓  |
| HB 244                | ✓   |    |
| Amendment HB 257, 1.1 | ✓   |    |
| Amendment HB 257, 1.2 | ✓   |    |
| Amendment HB 257, 1.3 | ✓   |    |
| HB 257                | ✓   |    |
| Amendment HB 258, 1.1 | ✓   |    |
| Amendment HB 258, 1.3 | ✓   |    |

| BILL                  | AYE | NO |
|-----------------------|-----|----|
| Amendment HB 258, 1.2 | ✓   |    |
| HB 258                |     | ✓  |
| HB 297                | ✓   |    |
| HB 308                |     | ✓  |
| HB 309                | ✓   |    |
| HB 310                | ✓   |    |
| HB 317                | ✓   |    |
| HB 322                | ✓   |    |
| HB 325                | ✓   |    |
| HB 327                |     | ✓  |
| HB 331                | ✓   |    |

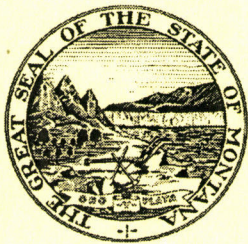
I authorize my vote to be matched with that of Rep. Usher  
for any amendments proposed on this date.

Rep. [Signature]  
(Signature)

Date 2/12/21

Rep. Berglee





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Reger.

| BILL                       | AYE | NO |
|----------------------------|-----|----|
| SB 17                      | ✓   |    |
| SB 114 Amendment SB 114.21 | ✓   |    |
| SB 114                     | ✓   |    |
|                            |     |    |
|                            |     |    |
|                            |     |    |
|                            |     |    |
|                            |     |    |
|                            |     |    |
|                            |     |    |
|                            |     |    |

| BILL | AYE | NO |
|------|-----|----|
|      |     |    |
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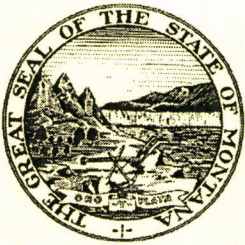
I authorize my vote to be matched with that of Rep. Usher  
for any amendments proposed on this date.

Rep. [Signature]  
(Signature)

Date 2/12/21

Rep. Berglee





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A Reiger.

| BILL                 | AYE | NO |
|----------------------|-----|----|
| HB 115.1.2           |     | ✓  |
| HB 115               | ✓   |    |
| Amendment HB 237.1.1 | ✓   |    |
| HB 237               |     | ✓  |
| HB 244               | ✓   |    |
| Amendment HB 257.1.1 | ✓   |    |
| Amendment HB 257.1.2 | ✓   |    |
| Amendment HB 257.1.3 | ✓   |    |
| HB 257               | ✓   |    |
| Amendment HB 258.1.1 | ✓   |    |
| Amendment HB 258.1.3 | ✓   |    |

| BILL                 | AYE | NO |
|----------------------|-----|----|
| Amendment HB 258.1.2 | ✓   |    |
| HB 258               |     | ✓  |
| HB 293               | ✓   |    |
| HB 308               |     | ✓  |
| HB 309               | ✓   |    |
| HB 310               | ✓   |    |
| HB 313               | ✓   |    |
| HB 322               | ✓   |    |
| HB 325               | ✓   |    |
| HB 327               |     | ✓  |
| HB 331               | ✓   |    |

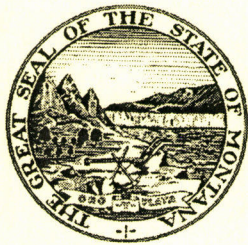
I authorize my vote to be matched with that of Rep. A Reiger  
for any amendments proposed on this date.

Rep. J M Fleming  
(Signature)

2/12/21  
Date 1/6/2021 FF

Rep. Fleming





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A Reiger.

| BILL                      | AYE | NO |
|---------------------------|-----|----|
| SB17                      | ✓   |    |
| SB114 Amendment SB114.2.1 | ✓   |    |
| SB114                     | ✓   |    |
|                           |     |    |
|                           |     |    |
|                           |     |    |
|                           |     |    |
|                           |     |    |
|                           |     |    |
|                           |     |    |
|                           |     |    |

| BILL | AYE | NO |
|------|-----|----|
|      |     |    |
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|      |     |    |
|      |     |    |

I authorize my vote to be matched with that of Rep. A Reiger  
for any amendments proposed on this date.

Rep. Fred Fleming  
(Signature)

Date 1/6/2021 FF

Rep. Fleming



**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Friday, February 12, 2021**

**Sponsor: No Bills to be Heard**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

EXHIBIT 4  
DATE 2/12/21  
HB 258

Amendments to House Bill No. 258  
1st Reading Copy

Requested by Jedediah Hinkle  
For the (H) Judiciary

Prepared by Rachel Weiss  
02/02/2021, 12:24:35

1. Page 2, line 12.

Following: "violent"

Insert: "or drug trafficking or distribution"

2. Page 2.

Following: line 13

Insert: "(c) the enforcement of any federal law prohibiting an illegal alien from  
possessing a firearm;"

Renumber: subsequent subsections

4. Page 2, line 19.

Following: "the"

Insert: "primary"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

EXHIBIT 7

DATE 2/12/21

HB 258

Amendments to House Bill No. 258  
1st Reading Copy

Requested by Jedediah Hinkle  
For the (H) Judiciary

Prepared by Rachel Weiss  
02/08/2021, 01:08:44

1. Page 2, line 12.  
**Following:** "federal"  
**Strike:** "or state"

2. Page 2, line 14.  
**Following:** "federal"  
**Strike:** "or state"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

EXHIBIT 8  
DATE 2/18/21  
HB 258

Amendments to House Bill No. 258  
1st Reading Copy

Requested by Barry Usher  
For the (H) Judiciary

Prepared by Rachel Weiss  
02/04/2021, 07:38:34

1. Page 2, line 12.  
**Following:** "with a"  
**Strike:** "violent"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES**

#### **67th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Barry Usher, on February 24, 2021 at 7:00 A.M., in Room 137 Capitol

#### **ROLL CALL**

##### **Members Present:**

Rep. Barry Usher, Chair (R)  
Rep. Kathy Kelker, Vice Chair (D)  
Rep. Amy Regier, Vice Chair (R)  
Rep. Seth Berglee (R)  
Rep. Laurie Bishop (D)  
Rep. Jennifer Carlson (R)  
Rep. Robert Farris-Olsen (D)  
Rep. Frank Fleming (R)  
Rep. Tom France (D)  
Rep. Jane Gillette (R)  
Rep. Donavon Hawk (D)  
Rep. Jedediah Hinkle (R)  
Rep. Bob Phalen (R)  
Rep. Derek Skees (R)  
Rep. Ed Stafman (D)  
Rep. Mallerie Stromswold (R)  
Rep. Danny Tenenbaum (D)

##### **Members Excused:**

Rep. Dennis R. Lenz (R)  
Rep. Brandon Ler (R)

**Members Absent:** None

##### **Staff Present:**

Lydia Balian, Committee Secretary  
Rachel Weiss, Legislative Branch  
Hallie Swain, Remote Meeting Coordinator

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 584, 2/23/2021; HB 578, 2/23/2021; HB 559, 2/23/2021; HB 480, 2/23/2021; HB 391, 2/23/2021; HB 553, 2/23/2021; HB 481, 2/23/2021; HB 560, 2/23/2021; HJ 13, 2/23/2021; HB 581, 2/23/2021; HB 555, 2/23/2021; HB 557, 2/23/2021; HB 591, 2/23/2021; HB 592, 2/23/2021; HB 596, 2/23/2021; HB 552, 2/23/2021

Executive Action on: HB 584; HB 578; HB 559; HB 480; HB 391; HB 553; HB 258; HB 555; HJ 13; HB 591; HB 592; HB 596; HB 581; HB 557

07:04:50 Chair Usher left the meeting.  
07:05:05 Vice Chair Regier assumed the chair.

**HEARING ON HB 584**

**Opening Statement by Sponsor:**

07:05:19 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB 584, Requiring certain costs paid to detention center be based on actual costs.

**Proponents' Testimony:**

07:07:43 Nannette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

07:08:58 Vice Chair Kelker  
07:10:05 Rep. Seekins-Crowe  
07:10:10 Rep. Skees and Rep. Phalen left the meeting.

**Closing by Sponsor:**

07:11:00 Rep. Seekins-Crowe

**EXECUTIVE ACTION ON HB 584**

07:12:06 Rep. Tenenbaum

**Discussion:**

07:12:24 Rep. Berglee

07:12:58 **Motion/Vote:** Rep. Berglee moved that **HB 584 DO PASS**. Motion carried 17-2 by voice vote with Rep. Bishop and Rep. Tenenbaum voting no. Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees and Rep. Usher voted by proxy.

**Discussion:**

07:13:44 Rep. Berglee  
07:13:50 Rep. France  
07:14:03 Rep. Tenenbaum  
07:14:54 Rep. Hinkle

**HEARING ON HB 578**

**Opening Statement by Sponsor:**

07:15:57 Rep. Terry Moore (R), HD 54, opened the hearing on HB 578, Revise laws related to commitment of defendants.

**Proponents' Testimony:**

07:17:41 Aimee Grmoljez, City of Billings  
07:20:07 Josh Racki, Montana County Attorneys' Association (MCAA)

07:21:39 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)  
 07:22:46 Dan Smith, Montana Police Protective Association (MPPA)  
 07:23:14 Chris Kukulski, self

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

07:25:08 Vice Chair Kelker  
 07:26:46 Nanette Gilbertson, MSPOA  
 07:27:28 Rep. Carlson  
 07:27:46 Rep. Gillette left the meeting.  
 07:27:59 Rep. Moore  
 07:28:23 Nanette Gilbertson, MSPOA  
 07:29:01 Aimee Grmoljez, City of Billings  
 07:29:20 Rep. Tenenbaum  
 07:30:00 Rep. Moore  
 07:30:43 Josh Racki, MCAA

**Closing by Sponsor:**

07:31:37 Rep. Moore

**EXECUTIVE ACTION ON HB 578**

07:32:26 **Motion:** Rep. Berglee moved that **HB 578 DO PASS.**

**Discussion:**

07:32:37 Rep. Fleming

07:33:37 **Vote:** Motion carried unanimously by voice vote. Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees and Rep. Usher voted by proxy.

**HEARING ON HB 559**

**Opening Statement by Sponsor:**

07:34:20 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 559, Revise requirements for dissemination of confidential criminal justice info.

07:34:27 Rep. J. Hinkle left the meeting.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

07:37:29 Vice Chair Kelker  
 07:37:36 Rep. Phalen, Rep. Gillette and Chair Usher rejoined the meeting.



07:39:57 Rep. Mercer  
07:41:03 Rep. Farris-Olsen  
07:41:31 Rep. Mercer

**Closing by Sponsor:**

07:43:13 Rep. Mercer

07:43:20 Rep. Ler joined the meeting.

**EXECUTIVE ACTION ON HB 559**

07:43:37 **Motion/Vote:** Rep. A. Regier moved that **HB 559 DO PASS**. Motion carried 18-1 by voice vote with Rep. Farris-Olsen voting no. Rep. J. Hinkle, Rep. Lenz and Rep. Skees voted by proxy.

**HEARING ON HB 480**

**Opening Statement by Sponsor:**

07:44:41 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 480, Revise order of protection laws regarding incapacitated persons.

**Proponents' Testimony:**

07:47:45 Beth Brenneman, Disability Rights Montana (DRM)  
07:49:34 Adrienne Cotton, American Association of Retired Persons (AARP)  
07:50:57 Adrian Miller, self

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

07:54:16 Rep. Mercer

**EXECUTIVE ACTION ON HB 480**

07:54:39 **Motion/Vote:** Rep. A. Regier moved that **HB 480 DO PASS**. Motion carried unanimously by voice vote. Rep. J. Hinkle, Rep. Lenz, and Rep. Skees voted by proxy.

**HEARING ON HB 391**

**Opening Statement by Sponsor:**

07:55:49 Rep. Frank Fleming (R), HD 51, opened the hearing on HB 391, Revise and enhance penalties for criminal distribution of dangerous drugs.

**Proponents' Testimony:**

07:58:12 Cory Swanson, Montana County Attorneys' Association (MCAA)  
08:01:43 Josh Racki, Montana County Attorneys' Association (MCAA)

08:03:52 Michelle Mitchell Devine, self  
08:05:17 Rep. Gillette left the meeting.  
08:06:35 Alan Doane, Montana Department of Justice (DOJ)  
08:06:55 Shelby DeMars, Montana Police Protective Association (MPPA)  
08:07:28 Scott Twito, Yellowstone County Attorney  
08:07:58 Marty Lambert, Gallatin County Attorney

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:10:00 Rep. Phalen  
08:10:03 Rep. J. Hinkle rejoined the meeting.  
08:10:33 Cory Swanson, MCAA  
08:11:28 Rep. Carlson  
08:12:03 Marty Lambert, Gallatin County Attorney  
08:13:00 Rep. Carlson  
08:15:29 Josh Racki, MCAA  
08:15:42 Rep. Stafman  
08:18:31 Cory Swanson, MCAA  
08:19:50 Rep. Tenenbaum  
08:22:19 Rep. Fleming

**Closing by Sponsor:**

08:22:55 Rep. Fleming

**EXECUTIVE ACTION ON HB 391**

08:23:22 **Motion:** Rep. A. Regier moved that **HB 391 DO PASS.**

**Discussion:**

08:23:33 Rep. Stafman  
08:24:32 Rep. France  
08:25:28 Rep. Tenenbaum  
08:26:54 Rep. Carlson

08:27:16 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman, Rep. Stromswold and Rep. Tenenbaum voting no. Rep. Gillette, Rep. Lenz and Rep. Skees voted by proxy.

**HEARING ON HB 481**

**Opening Statement by Sponsor:**

08:28:31 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 481, Protect critical infrastructure.

**Proponents' Testimony:**

08:30:36 Alan Olsen, Montana Petroleum Association (MPA)

08:32:02 Ryan Hall, Montana Electric Cooperatives Association (MECA)  
08:33:09 Peggy Trenk, Treasure State Resources Association (TSRA)  
08:34:32 Melissa Lewis, Charter Spectrum  
08:35:11 Shelby DeMars, Montana Association of Oil, Gas, & Coal Counties  
08:35:59 Laurie Shaw, Northwestern Energy

**Opponents' Testimony:**

08:39:04 Jestin Dupre, Fort Peck Tribes  
08:39:54 Vice Chair Regier assumed the chair.  
08:40:56 Adam Haight, Montana American Federation of Labor & Congress of Industrial Organizations (MTAFL-CIO)  
08:41:19 Makenna Sellers, Northern Plains Resource Council (NPRC)  
08:44:01 Sam Forstag, American Civil Liberties Union of Montana (ACLU)  
08:46:04 Keaton Sunchild, Western Native Voice (WNV)  
08:47:21 Jordan Thompson, Confederated Salish and Kootenai Tribes (CSKT)  
08:47:49 Rep. Lenz joined the meeting.  
08:48:01 Daliyah Killsback, Western Native Voice (WNV)  
08:49:15 Whitner Chase, Montana Conservation Voters (MCV)  
08:49:42 Dick Iversen, self  
08:54:09 Pat Runs Through, self  
08:57:29 Ta'jin Perez, self  
09:00:02 Anne Ostby, self  
09:01:48 Derf Johnson, Montana Environmental Information Center (MEIC)  
09:05:23 Laurie Little Dog, self  
09:07:13 Daniel Wenner, Fort Peck Tribes  
09:09:01 Joan Kresich, Northern Plains Resource Council (NPRC)  
09:11:50 Josh Butterfly, Opening Doors

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:13:36 Rep. Tenenbaum  
09:14:55 Rep. Gunderson  
09:15:20 Rep. Berglee  
09:16:47 Rep. Gillette rejoined the meeting.  
09:19:11 Sam Forstag, ACLU  
09:20:28 Rep. J. Hinkle  
09:21:10 Rep. Skees joined the meeting.  
09:23:07 Keaton Sunchild, WNV  
09:23:35 Rep. Gunderson  
09:24:20 Vice Chair Kelker  
09:28:50 Derf Johnson, MEIC  
09:30:19 Rep. Ler  
09:31:25 Dick Iversen, self  
09:32:13 Rep. Stafman  
09:37:06 Sam Forstag, ACLU  
09:37:20 Rep. Phalen

**Closing by Sponsor:**

09:37:56 Rep. Gunderson

09:41:08 Recess  
09:53:26 Reconvened with Rep. Ler and Rep. Lenz excused.

### **HEARING ON HB 560**

#### **Opening Statement by Sponsor:**

09:53:40 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 560, Establish the Montana second amendment preservation act.

#### **Proponents' Testimony:**

09:56:57 Garrett Bacon, self  
09:58:03 Keith Kubista, self

#### **Opponents' Testimony:**

09:59:50 Amanda Curtis, Montana Federation of Public Employees (MFPE)

#### **Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

10:03:13 Rep. Skees  
10:04:27 Amanda Curtis, MFPE  
10:04:51 Rep. Carlson  
10:06:30 Rep. Gunderson  
10:07:52 Vice Chair Kelker  
10:08:54 Rep. Gunderson  
10:10:48 Chair Usher  
10:12:07 Rep. Ler joined the meeting.  
10:12:46 Amanda Curtis, MFPE

#### **Closing by Sponsor:**

10:13:08 Rep. Gunderson

### **HEARING ON HB 553**

#### **Opening Statement by Sponsor:**

10:14:58 Rep. Jimmy Patelis (R), HD 52, opened the hearing on HB 553, Limit time of suspended sentences for felony convictions.

#### **Proponents' Testimony:**

10:21:21 Sam Forstag, American Civil Liberties Union of Montana (ACLU)  
10:22:09 SK Rossi, Montana Innocence Project (MTIP)  
10:23:08 Zuri Moreno, Montana Budget & Policy Center (MBPC)  
10:23:20 Vice Chair Regier left the meeting.

#### **Opponents' Testimony:**

10:24:48 Cory Swanson, Montana County Attorneys' Association (MCAA)  
10:26:11 Chair Usher left the meeting.  
10:26:23 Vice Chair Kelker assumed the chair.

#### **Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:28:48 Rep. Carlson  
10:28:57 Chair Usher and Vice Chair Regier rejoined the meeting.  
10:30:27 Rep. Patelis  
10:31:16 Vice Chair Kelker  
10:31:50 Rep. Patelis  
10:31:56 Rep. Lenz joined the meeting. Rep. Farris-Olsen left the meeting.

**Closing by Sponsor:**

10:35:05 Rep. Patelis

**EXECUTIVE ACTION ON HB 553**

10:37:19 **Motion:** Rep. A. Regier moved that **HB 553 DO PASS.**

**Discussion:**

10:37:29 Vice Chair Kelker  
10:38:53 Rep. Fleming  
10:40:38 Chair Usher

10:41:10 **Vote:** Motion carried unanimously by voice vote. Rep. Farris-Olsen voted by proxy.

**EXECUTIVE ACTION ON HB 258**

10:42:56 **Motion/Vote:** Rep. A. Regier moved that **HB 258 BE REMOVED FROM TABLE.** Motion carried without objection.

10:44:20 **Motion:** Rep. J. Hinkle moved to **RECONSIDER THE MOTION ON AMENDMENT HB258.1.1 AND AMENDMENT HB258.1.3 on HB 258.**

**Discussion:**

10:45:01 Chair Usher  
10:45:51 Vice Chair Kelker

10:46:33 **Vote:** Motion carried 15-4 by voice vote with Rep. Farris-Olsen, Rep. Hawk, Rep. Kelker and Rep. Stafman voting no. Rep. Farris-Olsen voted by proxy.

10:47:06 **Motion:** Rep. J. Hinkle moved that **HB 258 BE AMENDED.**  
[EXHIBIT\(juh39a01\)](#)

**Discussion:**

10:47:23 Rachel Weiss, Legislative Services Division (LSD)  
10:48:32 Rep. J. Hinkle  
10:50:26 Rep. France left the meeting.

10:48:47 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Farris-Olsen and Rep. France voted by proxy.

10:49:44 **Motion:** Rep. A. Regier moved that **HB 258 DO PASS AS AMENDED**.

10:49:50 Rep. France rejoined the meeting.

10:49:52 **Motion/Vote:** Rep. J. Hinkle moved that **HB 258 BE AMENDED**. Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Farris-Olsen voted by proxy.

**EXHIBIT(juh39a02)**

10:52:14 **Motion:** Rep. A. Regier moved that **HB 258 DO PASS AS AMENDED**.

**Discussion:**

10:52:26 Rep. Carlson

10:52:40 Rep. Skees

10:52:56 Rep. Phalen

10:53:06 Chair Usher

10:53:34 Rep. France

10:55:15 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Farris-Olsen voted by proxy.

**HEARING ON HJ 13**

**Opening Statement by Sponsor:**

11:13:55 Rep. Neil Duram (R), HD 2, opened the hearing on HJ 13, Resolution for Article V US constitution convention of states.

11:14:09 Rep. Farris-Olsen rejoined the meeting.

**Proponents' Testimony:**

11:23:20 Sen. Molnar

11:27:06 Terry Kramer, self

11:32:49 Sen. McGillvray

**EXHIBIT(juh39a03)**

11:39:56 Clifford Sisko, self

11:41:19 Tracy Schuster, self

**Opponents' Testimony:**

11:45:29 Rep. Windy Boy

11:47:15 Ed Regan, Broadwater County Republican Central Committee

11:52:31 Rep. Phalen

11:53:14 Jim Buterbaugh, self

11:54:03 Cory O'Brian, self

11:55:29 Billy Ross, self

11:58:47 Wayne Rusk, self

12:01:39 Clare Parker, self

12:05:27 Curtis Hughes, self

12:08:42 Ed Dobrowski, self  
12:09:29 Amel McEuan, self  
12:13:59 Thomas Millett, self

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

12:15:43 Rep. Gillette  
12:16:36 Sen. McGillvray  
12:18:14 Rep. J. Hinkle  
12:24:25 Rep. Duram  
12:25:08 Rep. Carlson  
12:25:22 Rep. J. Hinkle  
12:25:52 Rep. Carlson  
12:27:44 Sen. McGillvray  
12:28:54 Rep. Carlson  
12:30:11 Rep. Skees  
12:34:00 Rep. Duram  
12:34:18 Rep. Skees  
12:37:25 Sen. McGillvray  
12:38:14 Chair Usher  
12:40:02 Rep. Duram  
12:41:08 Rep. Carlson  
12:41:27 Rep. Ler  
12:41:49 Rep. Duram

**Closing by Sponsor:**

12:42:07 Rep. Duram  
  
12:46:36 Recess  
15:02:30 Reconvened with Rep. Carlson, Rep. Berglee, Rep. Phalen, Rep. Lenz, Rep. Ler, Rep. France and Rep. Hawk excused.

**HEARING ON HB 555**

**Opening Statement by Sponsor:**

15:02:44 Rep. Matt Regier (R), HD 4, opened the hearing on HB 555, Revise civil liability laws on personal property exempt from execution.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

15:03:48 Rep. Regier

15:04:06 Rep. J. Hinkle

**EXECUTIVE ACTION ON HB 555**

15:04:56 **Motion/Vote:** Rep. A. Regier moved that **HB 555 DO PASS**. Motion carried unanimously by voice vote. Rep. Berglee, Rep. Carlson, Rep. France, Rep. Gillette, Rep. Hawk, Rep. Lenz, Rep. Ler and Rep. Phalen voted by proxy.

15:06:00 Rep. Phalen, Rep. Carlson and Rep. Hawk joined the meeting.

**EXECUTIVE ACTION ON HJ 13**

15:06:46 **Motion:** Rep. A. Regier moved that **HJ 13 DO PASS**.

**Discussion:**

15:06:59 Rep. J. Hinkle

15:08:40 Rep. Carlson

15:10:10 Rep. Skees

15:12:14 **Vote:** Motion failed 6-13 by roll call vote with Rep. Berglee, Rep. Carlson, Rep. Fleming, Rep. Lenz, Rep. A. Regier and Rep. Stromswold voting aye. Rep. Berglee, Rep. France, Rep. Gillette, Rep. Lenz and Rep. Ler voted by proxy.

15:13:21 **Motion/Vote:** Rep. A. Regier moved that **HJ 13 BE TABLED**. Motion carried without objection.

15:13:38 Rep. Carlson

15:14:05 Rep. Skees

**HEARING ON HB 591**

**Opening Statement by Sponsor:**

15:14:58 Rep. Joe Read (R), HD 93, opened the hearing on HB 591, Generally revise evidence laws.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:** None



**HEARING ON HB 592**

**Opening Statement by Sponsor:**

15:16:13 Rep. Joe Read (R), HD 93, opened the hearing on HB 592, Generally revise absolute liability laws.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:** None

**HEARING ON HB 596**

**Opening Statement by Sponsor:**

15:16:28 Rep. Joe Read (R), HD 93, opened the hearing on HB 596, Generally revise laws related to false arrest and imprisonment.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:** None

**EXECUTIVE ACTION ON HB 591**

15:17:02 **Motion/Vote:** Rep. A. Regier moved that **HB 591 BE TABLED**. Motion carried without objection.

**EXECUTIVE ACTION ON HB 592**

15:17:22 **Motion/Vote:** Rep. A. Regier moved that **HB 592 BE TABLED**. Motion carried without objection.

**EXECUTIVE ACTION ON HB 596**

15:17:39 **Motion/Vote:** Rep. A. Regier moved that **HB 596 BE TABLED**. Motion carried without objection.

15:18:06 Rachel Weiss, Legislative Service Division (LSD)

**HEARING ON HB 581****Opening Statement by Sponsor:**

15:18:41 Rep. Robert Farris-Olsen (D), HD 79, opened the hearing on HB 581, Revise gun storage laws.

**Proponents' Testimony:**

15:21:57 Ione Young, Montana Moms Demand Action

**Opponents' Testimony:**

15:25:56 Garrett Bacon, self

15:25:59 Rep. Skees left the meeting.

**Informational Testimony:** None**Questions from Committee Members and Responses:**

15:27:53 Rep. J. Hinkle

15:29:59 Rep. Farris-Olsen

15:30:23 Chair Usher

15:30:51 Rep. Farris-Olsen

15:30:59 Rep. Tenenbaum left the meeting.

**Closing by Sponsor:**

15:31:42 Rep. Farris-Olsen

**EXECUTIVE ACTION ON HB 581**

15:32:21 **Motion:** Rep. A. Regier moved that **HB 581 DO PASS**.

**Discussion:**

15:32:26 Chair Usher

15:32:48 Rep. Bishop

15:34:42 Rep. Stromswold left the meeting.

15:35:02 Vice Chair Kelker

15:36:34 Rep. J. Hinkle

15:37:42 Chair Usher

15:38:37 **Vote:** Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Berglee, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Skees, Rep. Stromswold and Rep. Tenenbaum voted by proxy.

15:40:38 **Motion/Vote:** Rep. A. Regier moved that **HB 581 BE TABLED**. Motion carried without objection.

**HEARING ON HB 557****Opening Statement by Sponsor:**

15:41:06 Rep. Jonathan Windy Boy (D), HD 32, opened the hearing on HB 557, Revise missing person laws.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

15:46:21 Rep. Hawk  
15:46:54 Rep. Windy Boy  
15:47:30 Vice Chair Kelker  
15:48:26 Rep. Stromswold rejoined the meeting.  
15:48:52 Rep. Windy Boy  
15:50:23 Rep. Hawk  
15:51:13 Rep. Carlson

**Closing by Sponsor:**

15:51:55 Rep. Windy Boy

**EXECUTIVE ACTION ON HB 557**

15:52:21 **Motion:** Rep. A. Regier moved that **HB 557 DO PASS.**

**Discussion:**

15:52:44 Vice Chair Kelker  
15:53:55 Rep. Carlson  
15:54:29 Rep. Bishop  
15:55:11 Rep. Hawk  
15:55:45 Chair Usher  
15:56:09 Rep. Fleming  
15:56:00 Rep. Farris-Olsen left the meeting.  
15:57:29 Rep. Phalen  
15:57:41 Rep. Carlson  
15:58:09 Chair Usher  
15:58:25 Rep. Phalen and Rep. Gillette left the meeting.  
15:58:34 Rep. Kelker

15:59:05 **Vote:** Motion failed unanimously by voice vote. Rep. Berglee, Rep. Farris-Olsen, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees and Rep. Tenenbaum voted by proxy.

15:59:52 **Motion/Vote:** Rep. A. Regier moved that **HB 557 BE TABLED.** Motion carried 10-0 by voice vote.

**HEARING ON HB 552****Opening Statement by Sponsor:**

16:00:42 Rep. Ed Stafman (D), HD 62, opened the hearing on HB 552, Establish Montana racial justice act.

16:03:04 Chair Usher left the meeting.

16:03:11 Vice Chair Regier assumed the chair.

**Proponents' Testimony:**

16:07:02 Sam Forstag, American Civil Liberties Union of Montana (ACLU)

16:08:02 Keaton Sunchild, Western Native Voice (WNV)

16:08:25 Chair Usher rejoined the meeting.

16:09:46 Kelly Twoteeth, Indigenous Organizers Collective

16:10:09 Vice Chair Regier left the meeting.

16:10:52 Jasmine Krotkov, self

16:11:22 Rep. Carlson left the meeting.

16:13:27 Travis McAdam, Montana Human Rights Network (MHRN)

16:15:03 Myshell Lyday, Montana Association of Criminal Defense Lawyers

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

16:20:38 Rep. Hawk

16:21:22 Chair Usher

16:21:51 Rep. Hawk

16:22:11 Rep. Stafman

16:23:40 Vice Chair Kelker

16:26:33 Rep. Stafman

16:28:31 Rep. Fleming

16:30:11 Rep. Carlson rejoined the meeting.

16:33:02 Rep. Stafman

**Closing by Sponsor:**

16:33:51 Rep. Stafman

**EXECUTIVE ACTION ON HB 552**

16:37:48 **Motion:** Rep. A. Regier moved that **HB 552 DO PASS.**

**Discussion:**

16:37:55 Rep. Stafman

16:38:24 Rep. Ler left the meeting.

16:38:33 Vice Chair Regier rejoined the meeting.

16:38:48 Rep. Fleming

16:40:26 Vice Chair Kelker

16:41:34 Rep. Hawk

16:42:33 Rep. J. Hinkle

16:43:46 Rep. Bishop  
16:45:19 Rep. Stafman  
16:47:06 Chair Usher

16:48:21 **Vote:** Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Berglee, Rep. Farris-Olsen, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees and Rep. Tenenbaum voted by proxy.

16:49:17 **Motion/Vote:** Rep. A. Regier moved that **HB 552 BE TABLED**. Motion carried without objection.

#### **EXECUTIVE ACTION ON HB 91**

16:49:36 **Motion/Vote:** Rep. A. Regier moved that **HB 91 BE REMOVED FROM TABLE**. Motion carried without objection.

#### **Discussion:**

16:50:12 Rep. Stafman  
16:50:53 Vice Chair Kelker  
16:51:58 Rachel Weiss, Legislative Services Division (LSD)  
**EXHIBIT(juh39a04)**

16:56:56 **Motion:** Rep. A. Regier moved that **HB 91 BE AMENDED**.  
**EXHIBIT(juh39a05)**

#### **Discussion:**

16:57:24 Vice Chair Kelker  
16:57:56 Chair Usher  
16:59:13 Rep. Stafman left the meeting. Rep. Farris Olsen rejoined the meeting.

16:58:13 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees, Rep. Stafman and Rep. Tenenbaum voted by proxy.

16:59:32 **Motion/Vote:** Rep. A. Regier moved that **HB 91 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Berglee, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees, Rep. Stafman and Rep. Tenenbaum voted by proxy.

#### **EXECUTIVE ACTION ON HB 333**

17:00:36 **Motion:** Rep. Kelker moved to **RECONSIDER THE MOTION** on **HB 333**.

17:00:55 **Motion/Vote:** Rep. A. Regier moved that **HB 333 BE REMOVED FROM TABLE**. Motion carried without objection.

17:01:11     **Motion/Vote:** Rep. A. Regier moved that **HB 333 DO PASS AS AMENDED**. Motion carried 14-5 by roll call vote with Rep. Berglee, Rep. Carlson, Rep. J. Hinkle, Rep. Ler and Rep. Stromswold voting no. Rep. Berglee, Rep. France, Rep. Gillette, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. Skees, Rep. Stafman and Rep. Tenenbaum voted by proxy.

17:06:44     Rachel Weiss, LSD

**ADJOURNMENT**

Adjournment: 17:12:01

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Lydia Balian, Secretary

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Additional Documents:

**EXHIBIT**([juh39aad.pdf](#))



## **2021 Session**

### **Additional Documents**

**May include the following:**

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
  - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

**The original exhibit/items are on file at the Montana Historical Society and may be viewed there.**



## **BUSINESS REPORT**

### **MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION**

#### **HOUSE JUDICIARY COMMITTEE**

**Date:** Wednesday, February 24, 2021

**Place:** Capitol

**Time:** 7:00 A.M.

**Room:** 137

#### **BILLS and RESOLUTIONS HEARD:**

- HB 391 - Revise and enhance penalties for criminal distribution of dangerous drugs - Rep. Frank Fleming (R)
- HB 480 - Revise order of protection laws regarding incapacitated persons - Rep. Bill Mercer (R)
- HB 481 - Protect critical infrastructure - Rep. Steve Gunderson (R)
- HB 552 - Establish Montana racial justice act - Rep. Ed Stafman (D)
- HB 553 - Limit time of suspended sentences for felony convictions - Rep. Jimmy Patelis (R)
- HB 555 - Revise civil liability laws on personal property exempt from execution - Rep. Matt Regier (R)
- HB 557 - Revise missing person laws - Rep. Jonathan Windy Boy (D)
- HB 559 - Revise requirements for dissemination of confidential criminal justice info - Rep. Bill Mercer (R)
- HB 560 - Establish the Montana second amendment preservation act - Rep. Steve Gunderson (R)
- HB 578 - Revise laws related to commitment of defendants - Rep. Terry Moore (R)
- HB 581 - Revise gun storage laws - Rep. Robert Farris-Olsen (D)
- HB 584 - Requiring certain costs paid to detention center be based on actual costs - Rep. Kerri Seekins-Crowe (R)
- HB 591 - Generally revise evidence laws - Rep. Joe Read (R)
- HB 592 - Generally revise absolute liability laws - Rep. Joe Read (R)
- HB 596 - Generally revise laws related to false arrest and imprisonment - Rep. Joe Read (R)
- HJ 13 - Resolution for Article V US constitution convention of states - Rep. Neil Duram (R)

**EXECUTIVE ACTION TAKEN:**

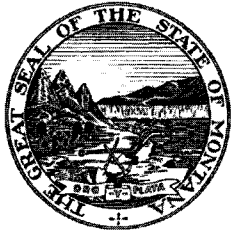
HB 584 - Do Pass  
HB 578 - Do Pass  
HB 559 - Do Pass  
HB 480 - Do Pass  
HB 391 - Do Pass  
HB 553 - Do Pass  
HB 258 - Do Pass as Amended  
HB 555 - Do Pass  
HJ 13 - Be Tabled  
HB 591 - Be Tabled  
HB 592 - Be Tabled  
HB 596 - Be Tabled  
HB 581 - Be Tabled  
HB 557 - Be Tabled  
HB 552 - Be Tabled  
HB 91 - Do Pass as Amended  
HB 333 - Do Pass as Amended

**Comments:**



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REP. Barry Usher, Chair



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL

DATE: 2 / 24 / 21

| NAME                        | PRESENT | ABSENT/EXCUSED |
|-----------------------------|---------|----------------|
| REP. USHER, CHAIR           | ✓       |                |
| REP. AMY REGIER, VICE CHAIR | ✓       |                |
| REP. KELKER, VICE CHAIR     | ✓       |                |
| REP. BERGLEE                | ✓       |                |
| REP. BISHOP                 | ✓       |                |
| REP. CARLSON                | ✓       |                |
| REP. FARRIS-OLSEN           | ✓       |                |
| REP. FLEMING                | ✓       |                |
| REP. FRANCE                 | ✓       |                |
| REP. GILLETTE               | ✓       |                |
| REP. HAWK                   | ✓       |                |
| REP. JEDEDIAH HINKLE        | ✓       |                |
| REP. LENZ                   |         | ✓              |
| REP. LER                    |         | ✓              |
| REP. PHALEN                 | ✓       |                |
| REP. SKEES                  | ✓       |                |
| REP. STAFMAN                | ✓       |                |
| REP. STROMSWOLD             | ✓       |                |
| REP. TENENBAUM              | ✓       |                |

19 MEMBERS



## HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 584** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

- END -

**Committee Vote:**

**Yes 17, No 2**

Fiscal Note Required ☐

HB0584001SC.hlc

2.24.21  
JR 2:43pm  
(P)



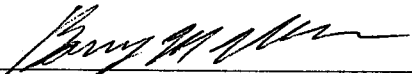
## HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 578** (first reading copy -- white) **do pass.**

Signed:   
Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 19, No 0

Fiscal Note Required ☐

HB0578001SC.hlc

2.24.21  
JR 12:39pm  
⑦



## HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 559** (first reading copy -- white) do pass.

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

- END -

Committee Vote:

Yes 18, No 1

Fiscal Note Required \_\_\_\_

HB0559001SC.h1c

2.24.21  
JR 2:44pm  
⑦



## HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 480** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Barry Usher*  
Representative Barry Usher, Chair

- END -

Committee Vote:

Yes 19, No 0

Fiscal Note Required \_\_\_\_

HB0480001SC.hlc

2-24-21  
JR 12:40pm  
(K)



## HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 391** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Barry M. Usher*  
Representative Barry Usher, Chair

- END -

**Committee Vote:**

**Yes 10, No 9**

Fiscal Note Required ☐

HB0391001SC.hlc

2.24.21  
JR 12:40pm  
(1)





## HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 553** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

- END -

**Committee Vote:**

**Yes 19, No 0**

Fiscal Note Required \_\_\_\_

HB0553001SC.hlc

2-24-21  
JR 2:44pm  
(F)



## HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 258** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

### And, that such amendments read:

1. Title, line 4.

Strike: "ANY"

Insert: "A"

2. Title, line 6.

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 19.

Following: "regulation"

Insert: "that is enacted, adopted, or becomes effective on or after January 1, 2021"

4. Page 1, line 20.

Strike: "an existing"

Insert: "a"

5. Page 1, line 20.

Following: "law"

Insert: "that existed on January 1, 2021,"

6. Page 2, line 9 through line 17.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

7. Page 2, line 19.

Strike: "in an action that does not have the"

Insert: ", communicating, or collaborating with a federal agency if the primary"

8. Page 2, line 20.

Strike: "of enforcing"

Insert: "is not:

### Committee Vote:

**Yes 12, No 7**

Fiscal Note Required \_\_\_\_

HB0258001SC.hlc

2.24.21  
DR 12:29pm  
(K)

- (a) law enforcement activity related to a federal ban; or
- (b) the investigation of a violation of"

9. Page 3.

Following: line 2

Insert: "NEW SECTION. **Section 8. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to a federal law, executive order, rule, or regulation adopted or enacted on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021."

- END -



## HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 555** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Barry Usher*  
Representative Barry Usher, Chair

- END -

**Committee Vote:**

**Yes 19, No 0**

Fiscal Note Required ☐

HB0555001SC.hlc

2-25-21  
TR 11:03 AM  
(P)



## HOUSE STANDING COMMITTEE REPORT

February 23, 2021

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 91** (first reading copy -- white) do **pass as amended**.

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

### And, that such amendments read:

1. Title, line 6.

Following: "YEARS"

Insert: "FOR CERTAIN VIOLENT OFFENDERS"

2. Title, line 7.

Following: "YEARS;"

Insert: "REVISING WHEN AN OFFENDER MAY NOT PETITION TO BE REMOVED FROM THE  
SEXUAL OR VIOLENT OFFENDER REGISTRIES;"

3. Page 1, line 14.

Following: "~~register~~"

Strike: ":"

4. Page 1, line 15.

Following: "~~(a)~~"

Strike: "(i)"

5. Page 1, line 16.

Following: "~~but~~"

Strike: ";"

6. Page 1, line 17.

Strike: "(ii)"

Following: "after"

Insert: "registering for"

Following: "register"

Insert: "unless convicted as provided in subsection (2)(b)"

7. Page 1, line 22.

Following: line 21

Insert: "(b) If convicted during the 10-year period provided in subsection  
(2)(a) of failing to register or keep registration current or of a  
felony, the offender shall register for the remainder of the offender's

### Committee Vote:

**Yes 19, No 0**

Fiscal Note Required ☐

HB0091003SC.hlc

2.25.21  
7:12:45pm  
(7)

life unless relieved of the duty to register as provided in subsection (3)."

**Renumber:** subsequent subsections

8. Page 1, line 22.

Following: "(2)(a)"

Strike: "(ii)"

9. Page 2, line 1.

Following: "a"

Insert: "violent offender registered as provided in subsection (2)(b) or a"

10. Page 2, line 26.

Following: "sexual"

Insert: "or violent"

- END -



## HOUSE STANDING COMMITTEE REPORT

February 24, 2021

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 333** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Representative Barry Usher, Chair*

**And, that such amendments read:**

1. Page 1, line 19.

Strike: "was"

Insert: "is currently"

- END -

**Committee Vote:**

**Yes 14, No 5**

Fiscal Note Required ☐

HB0333003SC.hlc

2-25-21  
11:05pm  
(R)

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-----  
COMMITTEE FILE COPY

## BILL TABLED NOTICE

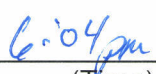
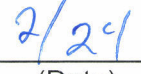
### HOUSE JUDICIARY COMMITTEE

The HOUSE JUDICIARY COMMITTEE TABLED

HB 552 - Establish Montana racial justice act - Rep. Ed Stafman (D)  
HB 557 - Revise missing person laws - Rep. Jonathan Windy Boy (D)  
HB 581 - Revise gun storage laws - Rep. Robert Farris-Olsen (D)  
HB 591 - Generally revise evidence laws - Rep. Joe Read (R)  
HB 592 - Generally revise absolute liability laws - Rep. Joe Read (R)  
HB 596 - Generally revise laws related to false arrest and imprisonment - Rep. Joe Read (R)  
HJ 13 - Resolution for Article V US constitution convention of states - Rep. Neil Duram (R)

by motion, on **Wednesday, February 24, 2021** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

  
\_\_\_\_\_  
(For the Committee)

  
\_\_\_\_\_  
(For the Chief Clerk of the House)  
 /   
\_\_\_\_\_  
(Time) (Date)

February 24, 2021 (5:50pm)

Lydia Balian, Secretary

Phone: 444-4872





*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

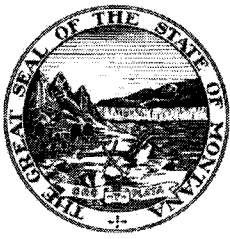
BILL NUMBER HB 391

DATE 2/24/21

MOTION Do Pass

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                |     | ✓  |       |
| REP. STROMSWOLD             |     | ✓  |       |
| REP. BERGLEE                | ✓   |    |       |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    |       |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    | ✓     |
| REP. GILLETTE               | ✓   |    | ✓     |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    | ✓     |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## JUDICIARY COMMITTEE

### ROLL CALL VOTE

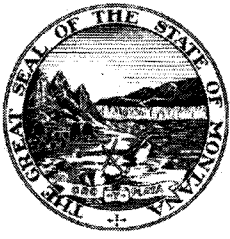
BILL NUMBER HB 258

DATE 2/24/21

MOTION Do Pass Amendment HB258.1.4

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    |       |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    |       |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  | ✓     |
| REP. FRANCE                 |     | ✓  | ✓     |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## JUDICIARY COMMITTEE

### ROLL CALL VOTE

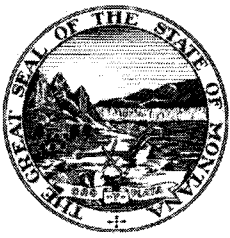
BILL NUMBER HB 258

DATE 2/24/21

MOTION Do Pass Amendment HB258.1.5

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    |       |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    |       |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  | ✓     |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## JUDICIARY COMMITTEE

### ROLL CALL VOTE

BILL NUMBER HB 258

DATE 2/24/21

MOTION Do Pass as Amended

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    |       |
| REP. PHALEN                 | ✓   |    |       |
| REP. FLEMING                | ✓   |    |       |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    |       |
| REP. GILLETTE               | ✓   |    |       |
| REP. LER                    | ✓   |    |       |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              | ✓   |    |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  | ✓   |    |       |
| REP. FARRIS-OLSEN           |     | ✓  | ✓     |
| REP. FRANCE                 |     | ✓  |       |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS



*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## JUDICIARY COMMITTEE

### ROLL CALL VOTE

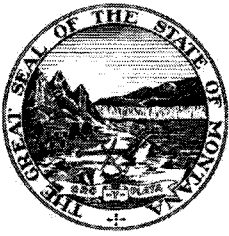
BILL NUMBER HJ 13

DATE 2/24/21

MOTION Do Pass

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     |     | ✓  |       |
| REP. CARLSON                | ✓   |    |       |
| REP. STROMSWOLD             | ✓   |    |       |
| REP. BERGLEE                | ✓   |    | ✓     |
| REP. PHALEN                 |     | ✓  |       |
| REP. FLEMING                | ✓   |    |       |
| REP. STAFMAN                |     | ✓  |       |
| REP. LENZ                   | ✓   |    | ✓     |
| REP. GILLETTE               |     | ✓  | ✓     |
| REP. LER                    |     | ✓  | ✓     |
| REP. TENENBAUM              |     | ✓  |       |
| REP. BISHOP                 |     | ✓  |       |
| REP. J. HINKLE              |     | ✓  |       |
| REP. HAWK                   |     | ✓  |       |
| REP. SKEES                  |     | ✓  |       |
| REP. FARRIS-OLSEN           |     | ✓  |       |
| REP. FRANCE                 |     | ✓  | ✓     |
| REP. USHER, CHAIR           |     | ✓  |       |

19 MEMBERS



*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## JUDICIARY COMMITTEE

### ROLL CALL VOTE

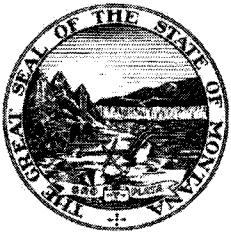
BILL NUMBER HB 581

DATE \_\_\_\_\_

MOTION Do Pass

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR |     | ✓  |       |
| REP. KELKER, VICE CHAIR     | ✓   |    |       |
| REP. CARLSON                |     | ✓  |       |
| REP. STROMSWOLD             |     | ✓  | ✓     |
| REP. BERGLEE                |     | ✓  | ✓     |
| REP. PHALEN                 |     | ✓  |       |
| REP. FLEMING                |     | ✓  |       |
| REP. STAFMAN                | ✓   |    |       |
| REP. LENZ                   |     | ✓  | ✓     |
| REP. GILLETTE               |     | ✓  | ✓     |
| REP. LER                    |     | ✓  | ✓     |
| REP. TENENBAUM              | ✓   |    | ✓     |
| REP. BISHOP                 | ✓   |    |       |
| REP. J. HINKLE              |     | ✓  |       |
| REP. HAWK                   | ✓   |    |       |
| REP. SKEES                  |     | ✓  | ✓     |
| REP. FARRIS-OLSEN           | ✓   |    |       |
| REP. FRANCE                 | ✓   |    | ✓     |
| REP. USHER, CHAIR           |     | ✓  |       |

19 MEMBERS



*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## JUDICIARY COMMITTEE

### ROLL CALL VOTE

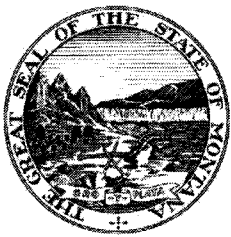
BILL NUMBER HB 552

DATE 2/24/21

MOTION Do Pass

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR |     | ✓  |       |
| REP. KELKER, VICE CHAIR     | ✓   |    |       |
| REP. CARLSON                |     | ✓  |       |
| REP. STROMSWOLD             |     | ✓  |       |
| REP. BERGLEE                |     | ✓  | ✓     |
| REP. PHALEN                 |     | ✓  | ✓     |
| REP. FLEMING                |     | ✓  |       |
| REP. STAFMAN                | ✓   |    |       |
| REP. LENZ                   |     | ✓  | ✓     |
| REP. GILLETTE               |     | ✓  | ✓     |
| REP. LER                    |     | ✓  | ✓     |
| REP. TENENBAUM              | ✓   |    | ✓     |
| REP. BISHOP                 | ✓   |    |       |
| REP. J. HINKLE              |     | ✓  |       |
| REP. HAWK                   | ✓   |    |       |
| REP. SKEES                  |     | ✓  | ✓     |
| REP. FARRIS-OLSEN           | ✓   |    | ✓     |
| REP. FRANCE                 | ✓   |    | ✓     |
| REP. USHER, CHAIR           |     | ✓  |       |

19 MEMBERS



*The Big Sky Country*

## MONTANA HOUSE OF REPRESENTATIVES

### JUDICIARY COMMITTEE

### ROLL CALL VOTE

BILL NUMBER HB 333

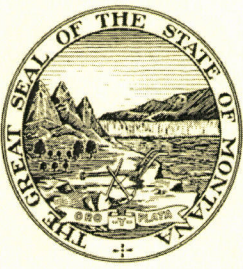
DATE 2/24/21

MOTION Do Pass as Amended

| NAME                        | AYE | NO | PROXY |
|-----------------------------|-----|----|-------|
| REP. AMY REGIER, VICE CHAIR | ✓   |    |       |
| REP. KELKER, VICE CHAIR     | ✓   |    |       |
| REP. CARLSON                |     | ✓  |       |
| REP. STROMSWOLD             |     | ✓  |       |
| REP. BERGLEE                |     | ✓  | ✓     |
| REP. PHALEN                 | ✓   |    | ✓     |
| REP. FLEMING                | ✓   |    |       |
| REP. STAFMAN                | ✓   |    | ✓     |
| REP. LENZ                   | ✓   |    | ✓     |
| REP. GILLETTE               | ✓   |    | ✓     |
| REP. LER                    |     | ✓  | ✓     |
| REP. TENENBAUM              | ✓   |    | ✓     |
| REP. BISHOP                 | ✓   |    |       |
| REP. J. HINKLE              |     | ✓  |       |
| REP. HAWK                   | ✓   |    |       |
| REP. SKEES                  | ✓   |    | ✓     |
| REP. FARRIS-OLSEN           | ✓   |    |       |
| REP. FRANCE                 | ✓   |    | ✓     |
| REP. USHER, CHAIR           | ✓   |    |       |

19 MEMBERS





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Kathy Kelker.

PLEASE USE PEN

| BILL   | MOTION<br>(Include AMENDMENT #)         | AYE | NO |
|--------|-----------------------------------------|-----|----|
| HB 553 | Do Pass                                 | ✓   |    |
| HB 258 | Remove from Table                       | ✓   |    |
| HB 258 | Reconsider HB 258.1.1 and<br>HB 258.1.3 | ✓   |    |
| HB 258 | Be Amended HB 258.1.4                   |     | ✓  |
| HB 258 | Be Amended HB 258.1.5                   |     | ✓  |
| HB 258 | Do Pass As Amended                      |     | ✓  |
| HB 557 | Do Pass                                 |     | ✓  |
| HB 552 | Do Pass                                 | ✓   |    |
|        |                                         |     |    |
|        |                                         |     |    |
|        |                                         |     |    |
|        |                                         |     |    |

| BILL | MOTION<br>(Include AMENDMENT #) | AYE | NO |
|------|---------------------------------|-----|----|
|      |                                 |     |    |
|      |                                 |     |    |
|      |                                 |     |    |
|      |                                 |     |    |
|      |                                 |     |    |
|      |                                 |     |    |
|      |                                 |     |    |
|      |                                 |     |    |
|      |                                 |     |    |
|      |                                 |     |    |
|      |                                 |     |    |

I authorize my vote to be matched with that of Rep. Kathy Kelker  
for any amendments proposed on this date.

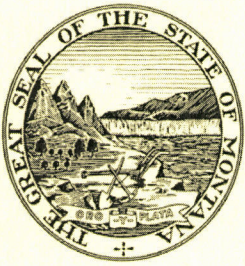
Rep. Signed via email  
(Signature)

Rep. Farris-Olsen  
(Print Name)

2/24/21  
(Meeting Date)

Rep. Farris-Olsen





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Kathy Kelker.

PLEASE USE PEN

| BILL   | MOTION<br>(Include AMENDMENT #) | AYE | NO |
|--------|---------------------------------|-----|----|
| HB 91  | Do Pass amendment HB91.1.1      | ✓   |    |
| HB 91  | Do Pass as Amended              | ✓   |    |
| HB 333 | Do Pass as Amended              | ✓   |    |
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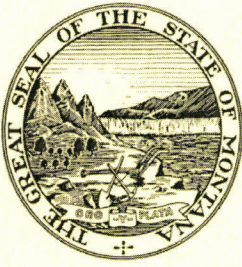
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I authorize my vote to be matched with that of Rep. Kathy Kelker  
for any amendments proposed on this date.

Rep. [Signature] Rep. Stafman 2/24/21  
(Signature) (Print Name) (Meeting Date)

Rep. Stafman





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Kathy Kelker.

PLEASE USE PEN

| BILL   | MOTION<br>(Include AMENDMENT #) | AYE | NO |
|--------|---------------------------------|-----|----|
| HB 581 | Do Pass                         | ✓   |    |
| HB 557 | Do Pass                         |     | ✓  |
| HB 552 | Do Pass                         | ✓   |    |
| HB 91  | Do Pass amendment<br>HB 91.1.1  | ✓   |    |
| HB 91  | Do Pass as Amended              | ✓   |    |
| HB 333 | Do Pass as Amended              | ✓   |    |
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| BILL | MOTION<br>(Include AMENDMENT #) | AYE | NO |
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I authorize my vote to be matched with that of Rep. \_\_\_\_\_  
for any amendments proposed on this date.

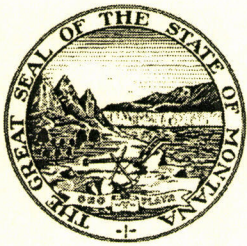
Rep. [Signature]  
(Signature)

Danny Tenenbaum  
(Print Name)

2/24/21  
(Meeting Date)

Rep. Tenenbaum





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Reger.

| BILL                           | AYE | NO |
|--------------------------------|-----|----|
| HB 584 Do Pass                 | ✓   |    |
| HB 578 Do Pass                 | ✓   |    |
| HB 559 Do Pass                 | ✓   |    |
| HB 480 Do Pass                 | ✓   |    |
| HB 391 Do Pass                 | ✓   |    |
| <del>HB 5</del> HB 581 Do Pass |     | ✓  |
| HB 557 DO PASS                 |     | ✓  |
| HB 552 Do Pass                 |     | ✓  |
| Amendment HB 91.1.1            | ✓   |    |
| HB 333 Do Pass                 | ✓   |    |
| HB 91 Do Pass as Amended       | ✓   |    |

| BILL | AYE | NO |
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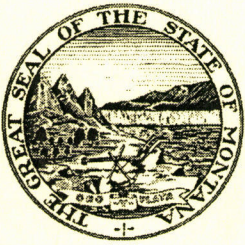
I authorize my vote to be matched with that of Rep. A. Reger  
for any amendments proposed on this date.

Rep. [Signature]  
(Signature)

Date 24 Feb '21

Rep. Skees





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Speer.

| BILL                | AYE | NO |
|---------------------|-----|----|
| HB 584 Do Pass      | ✓   |    |
| HB 578 Do Pass      | ✓   |    |
| HB 555 Do Pass      | ✓   |    |
| HB 557 Do Pass      |     | ✓  |
| HB 552 Do Pass      |     | ✓  |
| Amendment HB 91.1.1 | ✓   |    |
| HB 91 Do Pass       | ✓   |    |
| HB 777 Do Pass      | ✓   |    |
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| BILL | AYE | NO |
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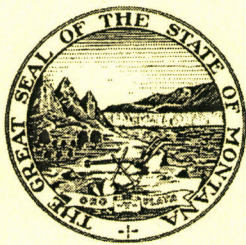
I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep. Bob Phalen  
(Signature)

Date 24 Feb 21

Rep. Phalen





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

| BILL                | AYE | NO |
|---------------------|-----|----|
| HB 584 Do Pass      | ✓   |    |
| HB 578 Do Pass      | ✓   |    |
| HB 559 Do Pass      | ✓   |    |
| HB 480 Do Pass      | ✓   |    |
| HB 391 Do Pass      | ✓   |    |
| HB 555 Do Pass      | ✓   |    |
| HJ 13 Do Pass       | ✓   |    |
| HB 581 Do Pass      |     | ✓  |
| HB 557 Do Pass      |     | ✓  |
| HB 552 Do Pass      |     | ✓  |
| Amendment HB 91.1.1 | ✓   |    |

| BILL                     | AYE | NO |
|--------------------------|-----|----|
| HB 333 Do Pass           | ✓   |    |
| HB 91 Do Pass as Amended | ✓   |    |
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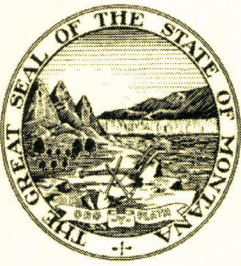
I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep. [Signature]  
(Signature)

Date 24 Feb '21

Rep. Lenz





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

PLEASE USE PEN

| BILL  | MOTION<br>(Include AMENDMENT #)       | AYE | NO |
|-------|---------------------------------------|-----|----|
| HB384 | Do Pass                               | ✓   |    |
| HB578 | Do Pass                               | ✓   |    |
| HB391 | Do Pass                               | ✓   |    |
| HB555 | Do Pass                               | ✓   |    |
| HJ17  | Do Pass                               |     | ✓  |
| HB581 | Do Pass                               |     | ✓  |
| HB557 | Do Pass                               |     | ✓  |
| HB552 | Do Pass                               |     | ✓  |
| HB91  | Amendment HB91.1.1 <sup>DO</sup> PASS | ✓   |    |
| HB777 | Do Pass as Amended                    | ✓   |    |
| HB91  | Do Pass as Amended                    | ✓   |    |
|       |                                       |     |    |

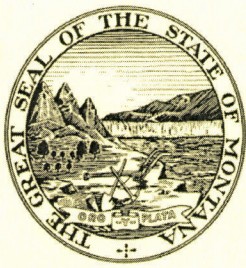
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I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep. [Signature] J. Gillette 2/24/21  
(Signature) (Print Name) (Meeting Date)

Rep. Gillette





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Kathy Kelker.

PLEASE USE PEN

| BILL   | MOTION<br>(Include AMENDMENT #) | AYE | NO |
|--------|---------------------------------|-----|----|
| HB 258 | Be Amended HB 258.1.4           |     | ✓  |
| HB 555 | Do Pass                         | ✓   |    |
| HJ 13  | Do Pass                         |     | ✓  |
| HB 581 | Do Pass                         | ✓   |    |
| HB 557 | Do Pass                         |     | ✓  |
| HB 552 | Do Pass                         | ✓   |    |
| HB 91  | Do Pass Amendment<br>#891.1.1   | ✓   |    |
| HB 91  | Do Pass as Amended              | ✓   |    |
| HB 333 | Do Pass as Amended              | ✓   |    |
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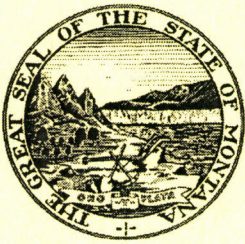
| BILL | MOTION<br>(Include AMENDMENT #) | AYE | NO |
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I authorize my vote to be matched with that of Rep. Kathy Kelker  
for any amendments proposed on this date.

Rep. [Signature] Rep. France 2/24/21  
(Signature) (Print Name) (Meeting Date)

Rep. France





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Regier.

| BILL                      | AYE | NO |
|---------------------------|-----|----|
| HB 584 Do Pass            | ✓   |    |
| HB 578 Do Pass            | ✓   |    |
| HB 559 Do Pass            | ✓   |    |
| HB 555 Do Pass            | ✓   |    |
| HT 17 Do Pass             |     | ✓  |
| HB 581 Do Pass            |     | ✓  |
| HB 557 Do Pass            |     | ✓  |
| HB 552 Do Pass            |     | ✓  |
| HB 91 Amendment HB 91.1.1 | ✓   |    |
| HB 333 Do Pass as Amended |     | ✓  |
| HB 91 Do Pass as Amended  | ✓   |    |

| BILL | AYE | NO |
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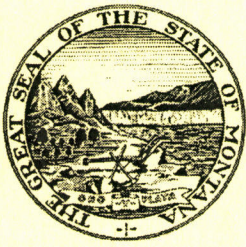
I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep. Bruner Ler  
(Signature)

Date 24 Feb '21

Rep. Ler





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

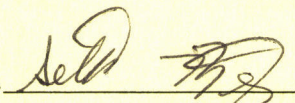
I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

| BILL                | AYE | NO |
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| HT 17 Do Pass       | ✓   |    |
| HB 581 Do Pass      |     | ✓  |
| HB 557 Do Pass      |     | ✓  |
| HB 552 Do Pass      |     | ✓  |
| Amendment HB 91.1.1 | ✓   |    |
| HB 91 Do Pass       | ✓   |    |
| HB 333 Do Pass      |     | ✓  |
| HB 555 Do Pass      | ✓   |    |
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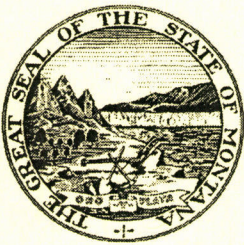
I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep.   
(Signature)

Date 2/24/21

Rep. Berglee





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

| BILL           | AYE | NO |
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| HB 555 Do Pass | ✓   |    |
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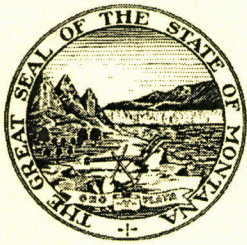
I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep. Jennifer Carlson  
(Signature)

Date 2/24/21

Rep. Carlson





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Amy Regier.

| BILL           | AYE | NO |
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| HP 581 Do Pass |     | ✓  |
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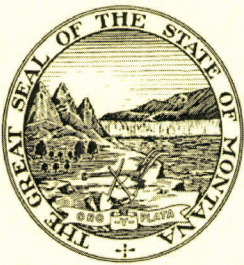
I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep. Mallene Stromswold  
(Signature)

Date 2/24/21

Rep. Stromswold





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. Kathy Kelker.

PLEASE USE PEN

| BILL   | MOTION<br>(Include AMENDMENT #) | AYE | NO |
|--------|---------------------------------|-----|----|
| HB 555 | Do Pass                         | ✓   |    |
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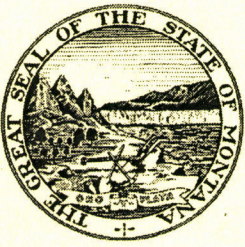
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I authorize my vote to be matched with that of Rep. Kathy Kelker  
for any amendments proposed on this date.

Rep. Donavan Hawk 2/24/21  
(Signature) (Print Name) (Meeting Date)

Rep. Hawk





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

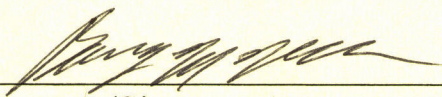
I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

| BILL           | AYE | NO |
|----------------|-----|----|
| HB 584 Do Pass | ✓   |    |
| HB 578 Do Pass | ✓   |    |
| HB 584 Do Pass | ✓   |    |
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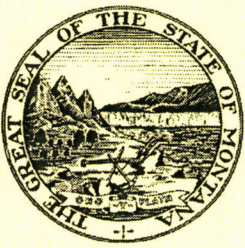
I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep.   
(Signature)

Date 24 Feb '21

Chair Usher





*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## AUTHORIZED COMMITTEE PROXY 67<sup>TH</sup> LEGISLATIVE SESSION

I request to be excused from the Judiciary Committee.

I desire to leave my proxy vote with Rep. A. Regier.

| BILL           | AYE | NO |
|----------------|-----|----|
| HB 559 Do Pass | ✓   |    |
| HB 400 Do Pass | ✓   |    |
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| BILL | AYE | NO |
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I authorize my vote to be matched with that of Rep. A. Regier  
for any amendments proposed on this date.

Rep. Jedediah Smith  
(Signature)

Date 2/24/21

Rep. Hinkle



**2021 Legislative Session**

# **WITNESS STATEMENTS**

**The following is an assortment of  
documents that are witness  
statements.**

**“A witness statement is a signed document  
recording the evidence of a witness. A  
definition “a written statement signed by a  
person which contains the evidence which that  
person would be allowed to give orally.”**



# WITNESS STATEMENT

Hi, my name is Carmelita Dominguez, and I am here on behalf of Moms Demand Action for Gun Sense in America to advocate for the passing of HB 581 which requires secure storage of firearms and provides violations and penalties for that do not provide secure gun storage.

This is a good idea that can be supported by the majority of people in Montana. I have lived in Montana for 13 years, and if there is anything that has been made very clear to me is that Montana fiercely loves its natural landscapes, its independence, and its people. Hunting and self-reliance is integral to the fabric of our culture. Therefore, firearms have a place in a Montana home.

That being said, along with a love of firearms, is a fierce pride and love for family and safety. Secure gun storage is absolutely essential for a home for many reasons - not only to protect the guns, but the home and family as well. We know that over half the households do not lock up all their firearms. This can lead to access that results in accidents and suicides. While many will say, "my kids know not to play with guns." How many can say that their kids' friends know the difference? How many can say that their depressed teen will never think about the family's unlocked guns. Here are some simple facts.

- Montana's firearm suicide rate is more than twice the national average. Twice. 79% of firearms deaths among children and teens are firearm suicides.
- Access to a gun can mean the difference between life and death. 90 percent of suicide attempts with a gun are fatal, versus 4 percent not involved with a gun.
- Research suggests that secure storage laws can help reduce firearm suicide and other forms of gun violence, particularly among youth:
  - One study estimated that if half of households with children that contain at least one unlocked gun switched to locking all their guns, one-third of youth gun suicides and unintentional deaths could be prevented, saving an estimated 251 lives in a single year.

Gun safety means lives saved.

# WITNESS STATEMENT



montana  
HUMAN RIGHTS NETWORK

February 23, 2021

Dear Chairman Usher and Members of the House Judiciary Committee:

The Montana Human Rights Network opposes HB 560 on behalf of our 8,000 members and supporters across the state. We believe the bill is based on a misguided view of the U.S. Constitution and will have negative impacts on Montana communities.

While HB 560 references the Second Amendment and U.S. Constitution, the spirit of the bill better reflects when the country was under the Articles of Confederation. The bill makes it appear that states can individually decide which federal laws they will, and will not, enforce. States had more ability to operate like this under the Articles; however, the U.S. Constitution makes it clear that states must adhere to federal law. Article VI of the U.S. Constitution, which is commonly called the "Supremacy Clause," clearly states that the laws of the United States "shall be the supreme Law of the Land." HB 560 clearly violates this provision.

We also oppose the bill because of our 30 years as an organization tracking and working to prevent violence by anti-government militias and other such groups. When these groups are looking to setup shop or start mobilizing, a major consideration for them is how lenient gun laws are in a location. Passage of HB 560 won't just result in lengthy and costly court battles for the state. It will also function as a welcome mat for anti-government groups. The state already has very lax gun laws, and now the state would be on record saying that it won't enforce federal law. That is an enticing invitation to militias and other such groups.

We encourage you to stand for the U.S. Constitution, the rule of law, and the safety of our communities by voting NO on HB 560.

Travis McAdam  
*Program Director:*  
*Combating White Nationalism & Defending Democracy*  
Montana Human Rights Network  
(406) 442-5506 ext. 11  
[travis@mhrn.org](mailto:travis@mhrn.org)

find us on [facebook](#) follow us [twitter](#)

# WITNESS STATEMENT

## LEG Committee-House Judiciary testimony

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 2:48 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-560: Establish the Montana second amendment preservation act 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 14:47

### Details:

Bill: HB-560: Establish the Montana second amendment preservation act 2021-02-24 07:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Larry D Rattray

Email: rattpak@centurytel.net

Phone: (406) 849-5610

City, State: Proctor

Written Statement: Please support HB 560. In this world of unmatched executive orders it is important that Montana not spend it's resources in the federal government's attempt to disarm the people of this country. Thank you for your time and consideration.

### Files:

Testify via Zoom: No

Zoom Method: N/A

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 4:17 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-552: Establish Montana racial justice act 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 16:17

**Details:**

**Bill:** HB-552: Establish Montana racial justice act 2021-02-24 07:00 AM - (H) Judiciary

**Position:** Proponent

**Representing an Entity/Another Person:** Yes

**Organization:** Montana Human Rights Network

**Name:** Travis McAdam

**Email:** travis@mhrn.org

**Phone:** (406) 442-5506

**City, State:** Helena, MT

**Written Statement:** The Montana Human Rights Network supports House Bill 552 on behalf of our 8,000 members and supporters across the state. People currently have the ability to take action if they face discrimination based on race or ethnicity when it comes to employment, housing, education, and public accommodations to name a few. These protections come from the recognition that racism does still exist in our communities, and we want to try and get rid of it. HB 552 extends this notion to the courts. We support the bill's effort to create a process by which people can challenge convictions and sentences if they feel such rulings were based on race, ethnicity, or national origin. Please vote YES on HB 552.

**Files:**

**Testify via Zoom:** Yes

**Zoom Method:** Computer

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 3:44 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-552: Establish Montana racial justice act 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 15:43

**Details:**

**Bill:** HB-552: Establish Montana racial justice act 2021-02-24 07:00 AM - (H) Judiciary

**Position:** Proponent

**Representing an Entity/Another Person:** Yes

**Organization:** Indian People's Action

**Name:** Lita J Pepion

**Email:** LitaPepion@hotmail.com

**Phone:** (406) 208-5779

**City, State:** Billings

**Written Statement:** We experience racism in every aspect of Justice in Montana - our children, culture and means of survival are criminalized and it gets worse from there. Court, District Attorneys and Judges are all white. Most have college experience but haven't learned anything about Native American history, trauma or survival and it shows in every aspect of how they speak to us, how their bias affects our outcome, how their fines and punishment hurt us, etc. After 11 years of living it via Personal Experience, THIS BILL IS NECESSARY!

**Files:**

**Testify via Zoom:** Yes

**Zoom Method:** Phone

# **WITNESS STATEMENT**

Hello Mr. Chair & Representatives,

I'd just like to concur with all the other proponents, but also that we have a lot of data and statistics that indicate possible racism in our justice system, some of which was mentioned in the meeting today.

But, I wanted to also talk about my personal experience and how my teenage son went from having a Careless Driving charge to being on the Violent Offenders List all in a matter of a couple of months - and without being dangerous.

That happened 11 years ago and we are still paying with our lives, time, my retirement account (for "bond" that we never get back even when we show up to court).

We read the paper and almost every day see a charge of a white person committing a similar or worse crime who got a lot less time.

We also work with folks coming out of the system and hear stories of racist judgements often. I'm sending this now because you're voting soon - PLEASE VOTE YES ON HB-552.

They are criminalizing our children, taking our retirement to pay for it, and basically destroying our families. Justice has become the New Indian Boarding School and it's NOT acceptable.

Lita J. Pepion, Senior Organizer  
Indian People's Action



## *Indian People's Action*



To: Montana House Judiciary Committee

From: Moana Vercoe, MBA, PhD

Date: February 24 2021

RE: HB 552

### **Indian People's Action Response to the Montana Racial Justice Bill**

#### **The Need for this Bill – Racism in the Justice System**

Indian People's Action has a long history of seeking equity, transparency and accountability in the Montana Justice system. In 2014, IPA was a plaintiff in a lawsuit seeking to expose systemic racism in the Montana judiciary.<sup>1</sup>

May 3, 2013, Montana Chief U.S. District Judge, Richard Cebull retired after a nine month investigation for ethics code violations related to racist emails sent from his official email account. (Judge Cebull's email is an example of animal language and racism as it suggested that Obama was the product of bestiality where one of the parties was a dog.)<sup>2</sup> The Ninth Circuit's Judicial Council investigation into four years of emails found:

"A significant number of emails were race related. Whether cast as jokes or serious commentary, the emails showed disdain and disrespect for African Americans, Native Americans and Hispanics, especially those who are not in the United States legally. A similarly significant number of emails related to religion and showed disdain for certain faiths. Approximately the same number of emails concerned women and/or sexual topics and were disparaging of women. A few emails contained inappropriate jokes relating to sexual orientation."<sup>3</sup>

The 9th Circuit declared the results of this investigation moot when Cebull retired. In sealing the file of the investigation, the 9th Circuit shut down any possible investigation into how far the emails had gone and the possibility of systemic racism within the Montana judicial system.<sup>4</sup>

At the time that Judge Cebull's email became public, he was presiding over *Wandering Medicine v McCulloch*, a Voting Rights Act case seeking equal access to voting for Native Americans living on reservations. Indian People's Action worked with the plaintiffs in this case. Judge Cebull had dismissed *Wandering Medicine v. McCulloch*, but his verdict was overturned by the 9th Circuit. Indian People's Action and Native voting rights group, 4 Directions, sued the Committee on Judicial Conduct and Disability of the Judicial Conference of the United States and the Office of Ninth Circuit Executive to unseal Judge Cebull's file and release his emails. This lawsuit and another filed by journalists John Adams and Shane Castle of Montana Free Press<sup>5</sup> were dismissed on the basis that Judge Cebull could do no further harm.

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<sup>1</sup> Case number 4:14-cv-03022.

<sup>2</sup> <https://www.usatoday.com/story/news/nation/2014/01/17/judge-montana-cebull-racist-obama/4592315/>

<sup>3</sup> <https://montanafreepress.org/2017/12/18/kozinski-cebull-misconduct/>

<sup>4</sup> <https://www.law360.com/articles/441292/order-over-judge-s-racist-obama-email-is-moot-9th-circ-says>

<sup>5</sup> Case number 4:15-cv-01046

Justice Alex Kozinski of the U.S. Court of Appeals for the 9th Circuit who ordered Judge Cebull's case be sealed resigned after claims of sexual misconduct in 2017.<sup>6</sup>

Not only does the existing system tolerate racially incendiary and racially coded language, but it actively protects it.

### **Persisting Racism in the Law Enforcement**

Attitudes that certain communities and/or races are predisposed to criminality and need additional policing are prevalent in some of Montana's largest police departments. In a January 2021 interview about the shooting of a Native man, Billings Police Department Lt. Brandon Wolley of the Office of Professional Standards commented: "When we get to the bottom of this conversation, the Native American culture doesn't need less policing. They truly need more policing."<sup>7</sup> In a July 2020 KTVQ report on racial profiling in Billings Trend in Billings, Lt. Wolley stated: "We are not consistently using excessive force in any group or category. We police ourselves, and we have policies and practices, set up to continually improve upon a professional organization."<sup>8</sup> However, the KTVQ reports that BPD's own number show that in 2019, 27% of the 131 reported use of force by BPD officers involved Native Americans and 5% involved an African American. According to the US Census Bureau, Native Americans make up 4.5% of the Billings population and African Americans make up 0.83%.<sup>9</sup> BPD numbers on race are most likely underestimated because "Race/Ethnicity is based on observation by officers, not on self-reporting."<sup>10</sup>

### **The Law and its Implementation**

Montana has a law prohibiting racial profiling,<sup>11</sup> but this law is limited to traffic stops. Section 3b of this law requires "periodic reviews by the law enforcement agency and collection of data that determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws." Section 9 states: "The department of justice shall make available to the public information regarding the degree of compliance by municipal, county, consolidated local government, and state law enforcement agencies with the requirements of this section." However, I cannot find where this information is released.

Systems for implementing and evaluating any law related to justice and race necessary as is the political will for enforcing the law.

### **Some Numbers**

In Billings, Native Americans make up about 5% (1 in 5) of the population, but 26% (1 in 4) of the people charged by Billings Police Department, and 36% of the charges brought are brought against Native Americans (1 in 3)<sup>12</sup> – see graph below. These numbers are from the BPD 2018 Annual Report.

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<sup>6</sup> <https://montanafreepress.org/2017/12/18/kozinski-cebull-misconduct/>

<sup>7</sup> <https://www.wyomingpublicmedia.org/post/montana-family-speaks-out-about-police-violence-against-indigenous-people?fbclid=IwAR09wU2Px-uLPMeugl3t1ClGaHTpMEYcUtv1KON-gzrS0dnn1k8ZJRUGvFA#stream/0>

<sup>8</sup> <https://www.ktvq.com/mtn-investigates/is-racial-profiling-a-problem-with-billings-police>

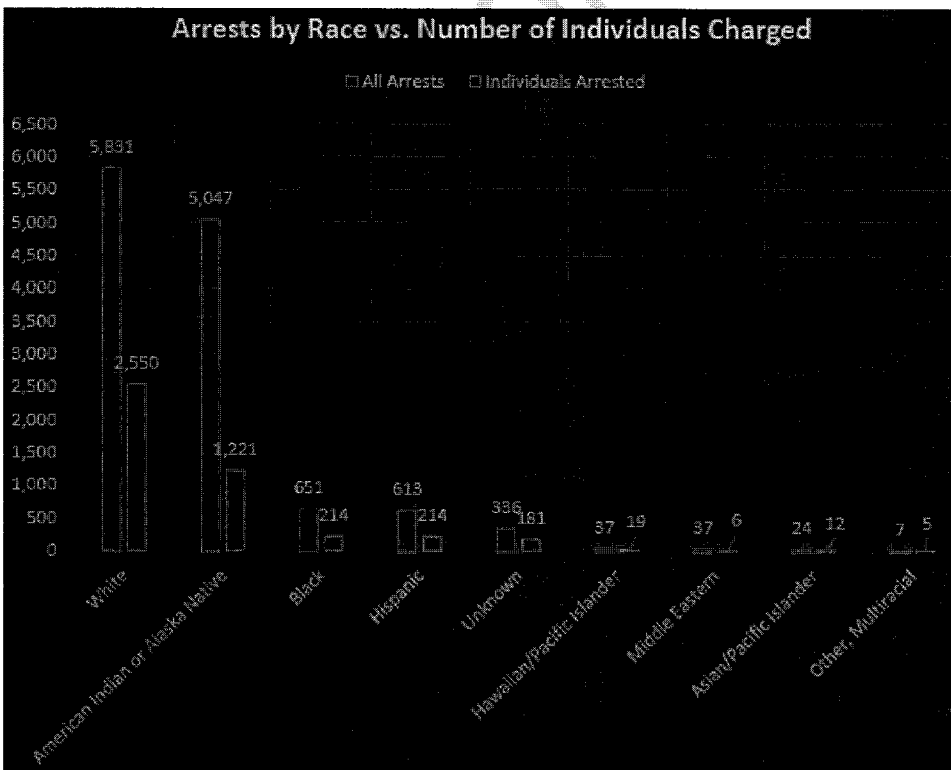
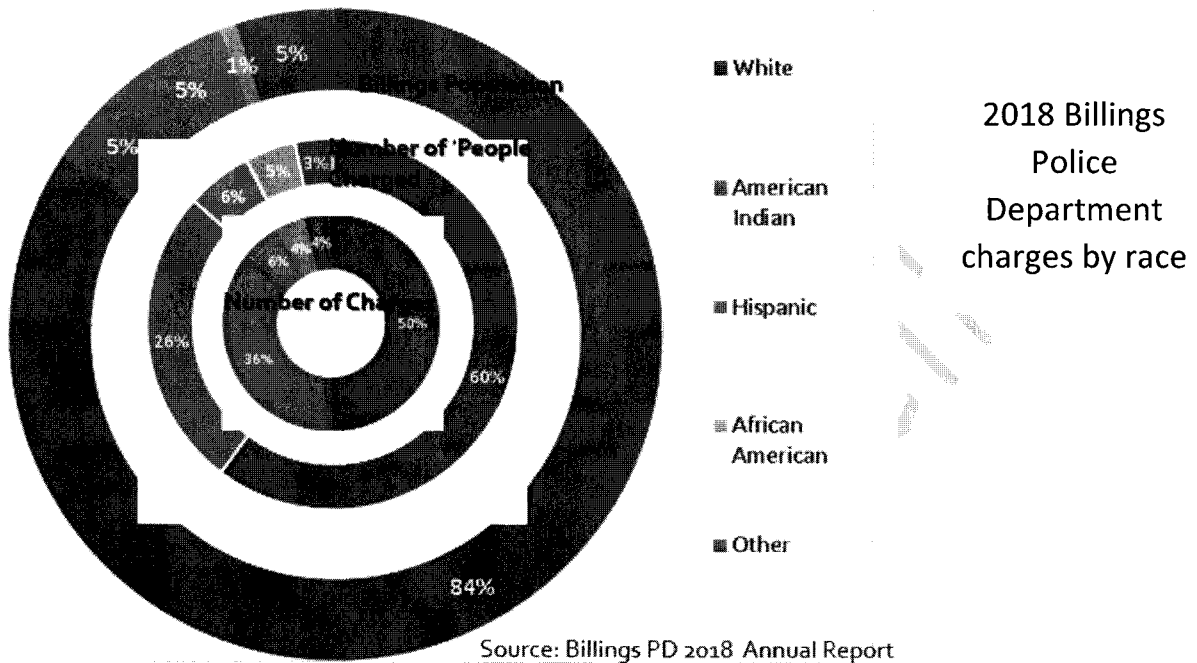
<sup>9</sup> <http://www.usa.com/billings-mt-population-and-races.htm#PopulationbyRaces>

<sup>10</sup> *Billings Police Department 2019 Annual Report*, p. 36.

<sup>11</sup> Mont. Code Ann. § 44-2-117

<sup>12</sup> *Billings Police Department 2018 Annual Report*.

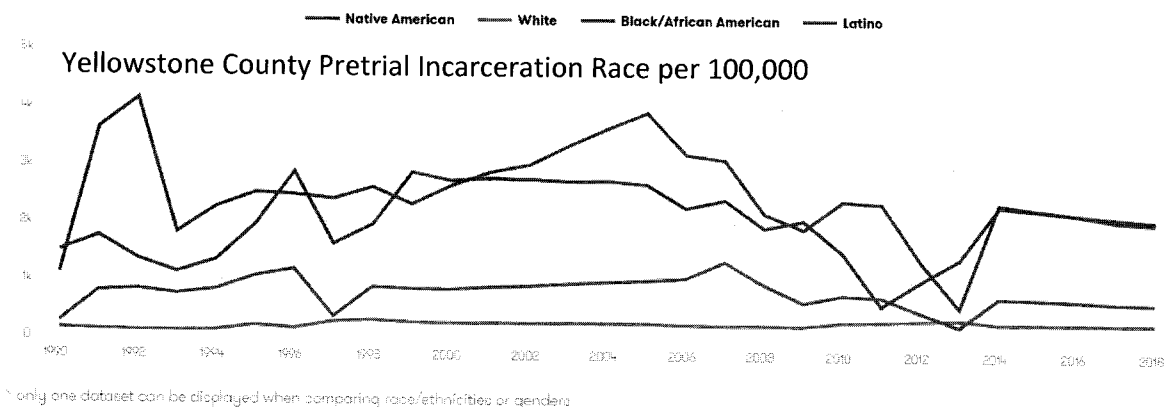
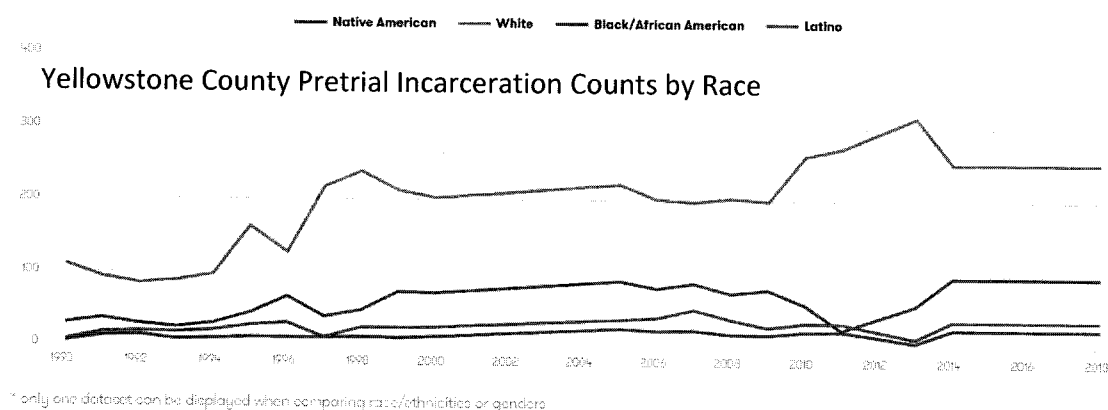
Equivalent numbers for charges are not available in the 2019 Annual Report. Instead the 2019 Annual Report shows arrests with Native Americans accounting for 30% of all people arrested and 40% of all arrests. On average, a Native American who was arrested by BPD in 2019, was arrested 4 times. By comparison, there were 2.6 arrests for each white person arrested.



Source: BPD 2019 Annual Report, p. 35.

Assess racial profiling and racial discrimination in law enforcement and the criminal justice system is challenging because of inconsistencies in how information on race is collected and reported. BPD uses officer assessments on race and reported date on charges in 2018 and arrests in 2019. IPA has monitored the biennial report of the Montana Department of Corrections for trends in the over-incarceration of Native Americans, but each report contains less information on race.

There is a pipeline from police encounter to decisions about charging to bail and pretrial incarceration, to trial and conviction and then the revolving door of probation and parole violations that disproportionately places and keeps Native Americans and other minorities in Montana jails and prisons.



Source: Vera Institute of Justice<sup>13</sup>

Yellowstone County has some of the nation's highest levels of pretrial incarceration. In 2018, 24% of those awaiting trial in Yellowstone County Jail were Native American. Economics and race intersect in pretrial incarceration as shown when the numbers for race are expressed per 100,000. Pretrial incarceration has devastating impact on minority families. A November 2015 report by Judge Ingrid Gustafson, District Court judge for the 13<sup>th</sup> Judicial District Court demonstrates how people who spent

<sup>13</sup> <https://trends.vera.org/rates/yellowstone-county-mt>

as little as two days in pretrial incarceration were four times as likely to receive a custodial sentence as those who were released within 24 hours of arrest.<sup>14</sup>

According to the Department of Correction 2017 Biennial Report, approximately one third of all offenders released after serving custodial sentences will be incarcerated within three years.<sup>15</sup> Of these, only 5% of men and 2% of women who are incarcerated for committing new crimes. The vast majority are re-incarcerated for probation and parole violations.

### **A Couple of Stories from 2019**

Three Native American boys (16, 12 and 8) were playing in the trailer park in Billings where they lived. Two older Caucasian boys (aged over 15 years old) started a fight by picking on the younger Native boy. When BPD were called the handcuffed all of the Native American children and put them in the back of the police cruiser. No actions were taken by BPD against the Caucasian boys.

An African American man and his Native American wife were in their RV eating in the parking lot of a fast food outlet. A security guard approached the RV and started a conversation from outside the driver's side window. The security guard pulled a gun and held it as if aiming it at the head of the African American man. No charges were brought against the security guard.

A sixteen year old Native American girl was at a friend's house when a boy from her school burst in uninvited, found the room the girl was in, and shot her. After a short investigation, the Billings Police Department declined to press charges.

### **Conclusion**

HB 552 is an important step towards creating equity and accountability in the Montana justice system. This bill will enhance public safety in our communities for all people in Montana.

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<sup>14</sup> <https://leg.mt.gov/content/Committees/Interim/2015-2016/Sentencing/Meetings/Nov-2015/Exhibits/gustafson-drug-courts-101-cos-nov-2015.pdf>

<sup>15</sup> Montana Department of Corrections 2017 Biennial Report.

Written Testimony in Opposition to **HJ-13**

Before the House Judiciary Committee

February 24, 2021

by

**Edward W. Regan, Chairman**

**Broadwater County Republican Central Committee**

**RE: HJ 13; Montana's Application for a Convention of States under Article V of the Constitution of the United States; Sponsored by Representative Neil Duram.**

**Chairman Usher**, members of the Committee, for the record my name is Ed Regan, I live and work in Townsend Montana. I am a lifelong republican and Chairman of the Broadwater County Republican Central Committee. Today I testify for our central committee and myself.

We oppose passage of **HJ 13**, Montana's Application to convene a Convention of States under Article V of the United States Constitution for proposing a **Balanced Budget** amendment. This Committee should consider the risk to the United States constitution by convening a Conference of States under Article V.

Requesting an Article V **Conference of States** is no different from calling a constitutional Convention. This is a dangerous and untested process for amending the constitution. A Conference of States might easily turn into a runaway convention that would threaten the basic structure and underpinnings of our Republic. The language in Article V makes no distinction between a convention and conference.

If restraining federal spending is the purpose for a **COS**, we believe that goal can be accomplished, without new amendments, by having the three branches simply adhere to their enumerated powers already enshrined in the constitution. New amendments are meaningless to a government that does not obey the current constitution. However, if you are convinced that amendments are the only option, than at least use the process by which the existing 27 amendments have passed, not the Convention Alternative.

An easier, far safer and more expedient alternative to curbing federal spending and overreach is for the state legislators to exercise their power under **Article VI** to protect constituents by refusing to enforce unconstitutional federal laws. Montana has already exercised this power. Our long fight against Real ID, Attorney General's litigation against federal usurpations and changes to Marijuana laws are some examples of States refusing to enforce unconstitutional laws. In the 19<sup>th</sup> century, several northern states refused to enforce a federal law called the "Fugitive Slave Act". In 1799, Thomas Jefferson called nullification the **"rightful remedy"** for any unconstitutional acts of the federal government. Nullification is a legal tool to enforce and protect the constitution, without opening it up and changing it. The federal government may squawk and try to withhold federal dollars to states not enforcing unconstitutional federal law,

however when the Trump administration tried to withhold money from California it was overturned in the courts.

HJ 13 attempts to place restrictions on delegates to any future convention by limiting the scope of the Article V Conference of States (constitutional convention) once it is seated. However, reading the Article V language it becomes obvious that the authority of the states is limited to only making the initial application. Once that step is completed, the power to set the rules for calling the convention and even delegate selection methods shifts to the Congress of the United States. The states will have very little say.

At the 1787 convention, delegates came to town with rules from their home states; however, in the end nine of the thirteen state delegations violated their commissions (Federalist 40-Jefferson). Personally, I do not believe the special interests in America today are going to allow a limited convention. Once assembled the convention becomes a sovereign body able to govern itself. Over the past two centuries, some of America's most astute legal minds have been warning us of this fact:

**Former Chief Justice Warren Burger stated:** "There is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the convention to one amendment or to one issue, but there is no way to assure that a Convention would obey".

In a 1/16/90 letter to Utah State Representative, Reese Hunter, Former US Federal Court Judge, Solicitor General and Supreme Court Nominee, **Robert Bork, stated:** "It is my view that a Federal Constitutional Convention could not be limited to a single issue. The original Philadelphia Convention went well beyond the purposes for which it was called and nobody has suggested the constitution is a nullity for that reason. Accordingly, I do not see how a Convention could be limited to one topic once it has been called". Judge Bork noted that our original constitutional convention was a "runaway" in a sense that the delegates exceeded their instructions from the Confederate Congress.

In April 2014, Marvin Kalb asked **Justice Antonin Scalia**, on a program produced by the national Press Club, "If you could amend the Constitution in one way, what would it be?" Scalia answered, "I certainly would not want a Constitutional Convention. I mean whoa. Who knows what would come out of that." Again, on May 8, 2015 at the Federalist Society in Morristown, New Jersey, Scalia was asked whether a constitutional convention would be in the nation's best interest, to which the greatest modern day Supreme Court justice replied "A constitutional convention is a horrible idea. This is not a good century to write a constitution."

While our nation was blessed to have men the caliber and character of Washington, Madison and Franklin back in 1787, does anybody in this body trust putting the fate of our constitution, **including the Electoral College**, in the hands of today's politicians and special interests? There is another attack on the constitution percolating among progressives called the National Popular Vote Interstate Compact (NPVIC), which seeks to turn the Electoral College into a



rubber stamp for the popular vote. **Certainly, these people would want their delegates seated at the Convention of States.**

**James Madison**, father of the constitution, warned in 1788 that a second convention 'would no doubt contain individuals with insidious views seeking to alter the very foundation and fabric of the constitution'. (Letter to G.I. Tuberville 11/2/1788)

Harvard Professor **Lawrence Lessig** is a national leader on the left promoting an Article V Constitutional Convention. After the 2016 presidential election, Lessig made headlines by offering free legal services to any Elector who would switch his vote in the Electoral College from Trump to Clinton. In 2013 he founded a non-profit group named "Call the Convention". One of that group's objectives is to convene a convention for the purpose of abolishing the Electoral College and replacing it with the national popular vote. In 2014, Lessig shared a stage with **Mark Meckler, the current spokesman for the Conference of States**, at a Seattle conference (Citizens University's Annual Conference) promoting the Article V convention, though for very different reasons. Lessig has been extremely open in his support of conservatives who want a Constitutional Convention (or as some prefer to call it a Convention of States) because Lessig's goal is to get the convention called, not help conservatives pass conservative amendments. Unfortunately, many good conservatives do not understand how they may be unwittingly helping to advance a progressive agenda.

Since 1988 seventeen state legislatures, including **Montana** had become so thoroughly convinced of the dangers posed by an Article V Convention that they passed **Resolutions to rescind all previous applications for conventions still on their books.**

Although the proponents of HJ 13 believe their goals can be attained under Article V, I ask you to consider the following questions; do we have a constitutional problem? or do we have a problem adhering to the constitution? Final question is the Conference of States really a Trojan horse designed to upend our constitutional protections and the Bill of Rights?

Our nation is too divided to pull off a successful Article V convention. **HJ 13** would expose the constitution to the possibility of a complete re-write. It is not worth the risk.

We urge this Committee to vote against HJ 13 and avoid the uncharted waters of a con-con. In closing we ask that the republican members of the committee refer back to the National Affairs plank from our Party's 2016 Platform on page 10; and I quote, "We adamantly oppose any attempts, whether direct or indirect, to undermine the Constitution of the United States and its Amendments, including the Bill of Rights".

Thank you for your consideration and please vote against HJ 13.

Edward W. Regan, Chairman  
Broadwater County Republican Central Committee

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 10:30 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 10:29  
**Attachments:** DEBUNKING THE JBS TALKING POINTS revised.pdf; leftwing email to montana legislators.pdf

**Details:**

Bill: HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary  
Position: Proponent  
Representing an Entity/Another Person: No  
Organization: N/A  
Name: Tracy Schuster  
Email: imhappyru@hotmail.com  
Phone: (406) 230-2710  
City, State: Glentana, Montana  
Written Statement: Testimony provided by Tracy Schuster

Our Framers created a decentralized government structure.  
Yet since the 1930s, the national government has continuously taken unconstitutional actions to regulate the economy and society and to redistribute our resources.

As imagined, this amassed centralization of authority in DC has taken its toll on the freedoms of We the People. While their social engineering efforts in the educational system resulted in some level of support for centralization, citizens are undeniably seeing and feeling the effects of those socialist policies; consequently, public opinion has changed and there is a growing call for the restoration of the Constitution's principle of federalism aka, decentralization. This shift is consistent with other data which exposes a deep and growing distrust in the federal government to act on behalf of the public good or in protecting our nation's sovereignty.

The National Debt is absolute proof that the federal government's policies regulating the economy and society and redistributing our resources has failed miserably.  
Other than DC politicians and their friends, who has benefitted from the trillions stolen from future generations?

We are sitting at \$28 trillion in debt, so I must ask:

- Why hasn't the war on inequality succeeded?
- Why are our resources still being redistributed—
- Why are American's resources going to other countries?

Why are our borders open when:

- Millions of American jobs are being out-sourced, exacerbating inequality within our borders?
- Americans taxes are increased to cover the living expenses of legal and illegal immigrants?

Why is it that other Countries are not held accountable for the conditions which motivate their citizens to leave their homeland in mass exodus?

Land is land—it is not the land that is responsible for oppression and exploitation—it is the policies of their government. There will be no end to mass immigration from 3rd world countries until tyrants from the third world countries condemn failed marxist control and embrace freedom and liberty.

Why is dependence upon government handouts promoted instead of promoting attributes such as:

- Entrepreneurialship,
- Self-reliance,
- Self-responsibility and
- Accountability

which are all qualities proven to enhance mankind.

Why do we continue to be taxed for federal mandated programs which were not only unconstitutional in their force, but have failed in achieving their aspired goals?

Why not trust charitable and compassionate citizens in serving the primary needs of their local community members?

Returning to a more personable giving and receiving would replace the entitlement mentality with a greater sense of gratitude. The entitlement mentality grows from a misconception that the money comes from the federal government—no, that money comes from your hard-working fellow American citizens.

Many citizens believe state and local governments are likely to perform better than the distant policy makers in Washington.

How much more are the American citizens and their posterity going to have to pony up?

Speaking of robbing our posterity, is that not a prime example of taxation without representation? Our posterity cannot and would not approve of this feckless debt.

As you can guess, I am an ardent proponent of the States using their authority in our Constitution's Article V to restrain the federal government's immoral spending.

I am also committed to speak up and contest the disinformation that has been repeatedly used by the opposition to render this most significant provision inert.

The authority for the States to call a convention for proposing amendments is in our Constitution as a means to reassert our rightful place as the true fountain of power in America.

This provision and this authority should not be obstructed, it should be advanced and recognized as the preeminent means of preserving federalism and liberty.

Files: DEBUNKING THE JBS TALKING POINTS revised.pdf leftwing email to montana legislators.pdf Testify via Zoom: Yes  
Zoom Method: Computer

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 1:14 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 13:13  
**Attachments:** HJ 13 Written Comments - Thomas Millett.pdf

**Details:**

**Bill:** HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary  
**Position:** Opponent  
**Representing an Entity/Another Person:** No  
**Organization:** N/A  
**Name:** Thomas Millett  
**Email:** simplytom65@yahoo.com  
**Phone:** (406) 212-3613  
**City, State:** Marion, MT  
**Written Statement:** Committee Members,

I OPPOSE House Joint resolution 13 (HJ 13) for all the reasons others have opposed it.  
However, I want to present you with a possible scenario and ask you a few simple questions.

Let's say you vote for this resolution and Congress does call for a Convention... ..and the Convention did "runaway" ...  
...and 2/3rds of the delegates voted to pass new amendments or a new Constitution on to the states for ratification...  
...and 3/4ths of the states ratified the new amendments or Constitution... ..and one result of all this was that the Bill of Rights was replaced with a Bill of Privileges.

What are you going to tell your children and grandchildren when they ask you...?  
...why they have to attend church in secret instead of the state-sanctioned church on the corner?  
...or why they can't watch, read, or listen to anything that hasn't been first "fact-checked" by the National Truth Administration (NTA).  
...or why they can't stand on the sidewalk and wave American flags like they did with their friends in 2020?  
...or why they can't question the actions of their government...ever?  
...and most importantly, why you didn't do anything when government agents came and took Uncle Joe and Aunt Polly to the "re-education" center because they voted for President Trump in 2020 or said something derogatory about the current presidential administration or a certain political party?  
Was it because you couldn't defend them when they needed it the most because you didn't have any firearms? And why didn't you have any firearms to protect them? Was it because a Privilege to Keep and Bear Arms wasn't included in the new Bill of Privileges?

If you don't think this can happen I'm sure the Chinese didn't think it could happen to them in 1948.  
Are you prepared to answer these questions from your children and grandchildren? I'm not and I hope you're not either.  
Please vote NO on HJ 13.

Thank you,  
Thomas Millett  
Marion, MT

Files: HJ 13 Written Comments - Thomas Millett.pdf Testify via Zoom: Yes Zoom Method: Computer

# WITNESS STATEMENT

Committee Members,

**I OPPOSE House Joint resolution 13 (HJ 13)** for all the reasons others have opposed it.

However, I want to present you with a possible scenario and ask you a few simple questions.

Let's say you vote for this resolution and Congress does call for a Convention...

...and the Convention did "runaway" ...

...and 2/3rds of the delegates voted to pass new amendments or a new Constitution on to the states for ratification...

...and 3/4ths of the states ratified the new amendments or Constitution...

...and one result of all this was that the Bill of Rights was replaced with a Bill of Privileges.

What are you going to tell your children and grandchildren when they ask you...?

...why they have to attend church in secret instead of the state-sanctioned church on the corner?

...or why they can't watch, read, or listen to anything that hasn't been first "fact-checked" by the National Truth Administration (NTA).

...or why they can't stand on the sidewalk and wave American flags like they did with their friends in 2020?

...or why they can't question the actions of their government...ever?

...and most importantly, why you didn't do anything when government agents came and took Uncle Joe and Aunt Polly to the "re-education" center because they voted for President Trump in 2020 or said something derogatory about the current presidential administration or a certain political party?

Was it because you couldn't defend them when they needed it the most because you didn't have any firearms? And why didn't you have any firearms to protect them? Was it because a Privilege to Keep and Bear Arms wasn't included in the new Bill of Privileges?

If you don't think this can happen I'm sure the Chinese didn't think it could happen to them in 1948.

Are you prepared to answer these questions from your children and grandchildren? I'm not and I hope you're not either.

**Please vote NO on HJ 13.**

Thank you,  
Thomas Millett  
Marion, MT

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 4:53 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 16:53

**Details:**

Bill: HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Levi McEuen

Email: thegiftranch@gmail.com

Phone: (406) 427-5174

City, State: Broadus

Written Statement: Good Morning. My name is Levi McEuen. I am a resident of Powder River County, HD 41. My Representative is Rynalea Whiteman Pena.

I have come today to express my concerns about the prospect of Montana joining an Article V Convention of States, thereby attempting to amend our U.S. Constitution.

Although I am not an expert on the interpretation of the Constitution, I have studied it extensively, as well as listened to constitutional scholars on such subject matter. As to this matter, some have been for and others against such a convention.

I admit that the prospect of making changes to our Constitution sounds promising, but when one studies the facts and applies logic to the possibilities of what a Convention could lead to -- the outcome for our Constitution -- I fear for myself, my children and my fellow citizens and country.

Now more then ever we need to be guided by the brilliance of our founding fathers when they wrote the constitution. Every proposed amendment that has been suggested is already addressed by the constitution. It needs no amending, but just needs to be followed. And I might add a significant portion of that responsibility lies at the State level. Not at the Federal level as it does now.

During the course of my life I have met with several individuals from a wide ranging background and beliefs from all across the US. Oftentimes we would discuss politics and of course different views would arise. I would challenge them on their understanding of our founding documents such as the Declaration of Independence and our constitution. I found that our society as a whole has a tremendous misunderstanding or NO understanding of our nation's founding and what our founding fathers did for us in giving us this great Republic. Worth noting, many lost their lives and fortunes for us. I challenged my peers to go home and read the documents and learn about the founding fathers and come back to me and let me know if their vote was in support of what our founding fathers stood for. My experience was that more than half, after reviewing what I asked them, reported they would like to change their vote. I fear that we do not know what we are voting for in this case if one votes to support an Article 5 Convention. Just like my fellow peers did not know what they were voting for. They just said, "It sounded good to them."

That said I disagree with the promoters of an Article V Convention of States in at least 3 areas:

1. There are almost no rules for the convention in Article V of the Constitution. You have to ask yourself “who sets the rules for the Convention? This leaves it up to Congress to make up the rules. One example of concern on the rules is how it will be voted on. We already know that the Supreme Court has required “one man, one vote” rule since 1964. Thus one would expect the House to require voting based on population. That makes California having 18 times more votes than Montana. Do the citizens of Montana want that? No. States in this matter should be equal: One State One Vote.
2. Could an Article V convention prohibit changing the ratification process. In the political environment in which we find ourselves with no regard for truth or the sacredness of our fundamental constitutional processes like elections, what might we expect? History tells us that the Constitutional Convention of 1787 did just that.
3. An Article V convention cannot be limited to specific proposed amendments. The text of the Constitution expressly states multiple “Amendments” will be allowed – a plural “s” after “Amendment”. You can be assured that the first thing to go would be our Right to Keep and Bear Arms, next our Freedom of Religion, Freedom of Speech and Assembly; and adding the constitutional right to an abortion.

The solution to our country's problems lies in the fact that our Constitution is not followed. The Constitution clearly states what it is and what it is not. It should not be interpreted by stating “I think.” It should be “The Constitution states....” It is time that States stood up for themselves and defended their rights to ensure that the Constitution is followed. By doing so the many ideas of amendments that are floating around in support of an Article V Convention would naturally be addressed by the original constitution.

I stated at the beginning of this that I tremble at the prospects of our Constitution being changed by a Convention of States. History tells us that James Madison trembled, too. It is time to follow the original intent of the constitution and not vote to make changes to the constitution but to enforce the Constitution as it was written: not how it is misinterpreted.

Thank you for your vote against HJ13 an Article V Convention of States.

In addition, Amel Samuelson-McEuen will be testifying with me on the same computer

Files:

Testify via Zoom: Yes

Zoom Method: Computer



**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 11:53 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:52

**Details:**

Bill: HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: Yes

Organization: League of Women Voters Montana

Name: Nancy Leifer

Email: nancyleifer@gmail.com

Phone: (406) 207-9114

City, State: Missoula, Montana

Written Statement: Testimony on HJ 13 , Hearing in House Judiciary Committee Wednesday, February 24 Submitted by Nancy Leifer On behalf of the League of Women Voters Montana

The League of Women Voters was founded in 1920 to help new voters understand their role and responsibility in voting in our democracy. The League is a non-partisan organization. We do not endorse candidates or political parties.

The League uses a process of study, discussion and consensus to arrive at policy positions. In 2016, the LWV conducted a study of Article V Constitutional Conventions, followed by a nation-wide League consensus process for adopting positions. The League is concerned that there are many unresolved questions about the powers and processes of an Article V Constitutional Convention. Until these questions are resolved, the League does not support Article V constitutional conventions.

The League of Women Voters does not support a federal balanced budget. The League believes that federal fiscal policy should provide for adequate and flexible funding of federal government programs. At times like now, when our economy has been devastated by the effects of the Covid 19, the federal government needs the ability to stimulate the economy. A balanced budget amendment would prohibit these efforts to assist small businesses, individual families and those who are out of work, hospitals, state and local governments, and whole industries that would fail without financial support.

The League of Women Voters Montana urges you to oppose HJ 13.

Files:

Testify via Zoom: No

Zoom Method: N/A

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 11:41 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:40

**Details:**

Bill: HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Daniel Keder

Email: kederds@hotmail.com

Phone: (406) 231-0305

City, State: Great Falls

Written Statement: My name is Daniel Keder, I am a registered voter and resident of Cascade County, Montana. I am a retired Air Force Officer who served for just over 23 years. Currently I operate a small business with my wife. I have been a legal resident of Montana since 1984 and have resided in Cascade County since 2003.

I am testifying today in opposition to HJ 13, a proposal to apply to the U.S. Congress to call a convention to amend the U.S. Constitution under the provisions of Article V of that document. I am presenting three reasons why HJ 13 should be tabled and killed by this committee.

The U.S. Constitution is not the cause of the fiscal irresponsibility that has resulted in our current unbalanced government budgets, consequently, amending it does not offer a viable solution. Government budgets, at all levels, are unbalanced because of government overreach and usurpation. The general or central government of the U.S. is spending wealth at levels beyond human comprehension because it is doing things it is not authorized to do under the limited powers granted to it by the U.S. Constitution. If the citizens limit government to its actual and proper constitutional limits the justification for funds will be eliminated. If they do not, no amendments to the Constitution will be able to prevent the flood of red ink.

Balancing the budget is not the same thing as reducing it. The unconstitutional size and scope of the central government is driving the unbalanced budget. If the size and scope of the central government is not reduced all a balanced budget amendment will mean, in effect, is increased taxes.

The state of emergency exemption contained in HJ 13, as in all the balanced budget proposals I have seen, renders this entire effort of no effect. If the central government can operate with a budget deficit during a state of emergency then they could have legally done so with this proposed amendment adopted as part of the U.S. Constitution since 1976. According to Wikipedia 34 national states of emergency are still current. The problem here is two-fold. The National Emergencies Act of 1976 is one of those government usurpations that provides Congress and the president with an open ended and flexible loop-hole to avoid any balanced budget amendment that leaves them an exception for a national emergency. In defense of both Congress and the proponents of a balanced budget amendment, there is no realistic way to prohibit government deficit spending during an actual national emergency. It is a classic Cath-22 situation.

In conclusion, HJ 13 is a proposal that totally misses its intended mark. It won't fix the problem of central government deficit spending because it doesn't address the cause and it provides an unavoidable exception. It offers all the risks inherent in opening the U.S. Constitution up for amendment while offering none of the benefits of imposing fiscal responsibility. I urge the members to kill this bill.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 11:18 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:18

**Details:**

**Bill:** HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary

**Position:** Proponent

**Representing an Entity/Another Person:** No

**Organization:** N/A

**Name:** Clifford Sisko

**Email:** csisko@outlook.com

**Phone:** (406) 853-3529

**City, State:** Miles City

**Written Statement:** I support HJ13. We have a broken structure and that needs to be addressed. We need to do it because congress won't. We need to do it for our loved ones both now and in the future. This is a fight I don't feel we can afford to loose for their sakes as well as for the sake of the nation. On the outside the structure looks really good but the inside is dirty and full of mold. I constantly hear from folks who say our federal government doesn't work, it is broken but nobody comes up with a solution. The solution is Article V Convention of States and constitutional solutions are stated in the resolution.

**Files:**

**Testify via Zoom:** Yes

**Zoom Method:** Computer

## LEG Committee-House Judiciary testimony

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 10:59 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 10:58

### Details:

**Bill:** HJ-13: Resolution for Article V US constitution convention of states 2021-02-24 07:00 AM - (H) Judiciary

**Position:** Proponent

**Representing an Entity/Another Person:** Yes

**Organization:** Big Sky Worldview Forum

**Name:** Richard A Pence

**Email:** rapence45@gmail.com

**Phone:** (406) 672-9207

**City, State:** Billings, Montana

**Written Statement:** Montana House Judiciary Testimony Dick and Nancy Pence, 4307 Palisades Park Dr., Billings 59106 rapence45@gmail.com I Coordinator, Big Sky Worldview Forum 406-672-9207 In support of HJ13 – Applying for a Convention of States Under Article V.

Why I have changed my mind on a Convention of States The one who states his case first seems right, until another comes to examine him. (Proverbs 18:17 ESV) Over a decade ago, I first learned of the idea of a Convention of States. First from a Constitutional Scholar and later from respected friends in the John Birch Society of which I am a member. The above Proverb is a good warning to us of our human tendency to embrace and hold fast to the first ideology, philosophy or even religion, we are introduced to. Over my lifetime of seventy-five years, this warning has served me well. Because of my functions in worldview training on numbers of issues, I have often had occasion to re-examine a thought process. On average, I believe, I was better off for those reconsiderations.

We usually don't budge easily and I didn't either. But after hearing from many sound thinking people over a period of several years, I have reconsidered the Article V, Convention of States issues. I know you're going to be bombarded with many issues, I will only mention a couple that I feel are compelling.

Article V was placed in the constitution with sound reasoning by the Framers: Among other purposes, it was intended as a vehicle for the states to reign in the Federal government – something that now drastically needs to be done. While the Federal government has grown out of control, states have done nothing to stop this growth. Opponents argue that the process could get hijacked by liberals. Their arguments focus on fear rather than the mechanisms provided to control the process.

Balanced Budget Amendment Restraint: In 2008, when I first considered this issue, America was in debt about \$10T. Some conservatives were even suggesting the debt was not a concern – they are not singing that song now. If the next stimulus bill passes, the debt will be closer to \$30T, much of it from our friends the Chinese Communists. Aside from the fact that we are putting our youth in bondage they will never be able to repay, this debt is near the point where it could destroy our Republic. I believe this threat is an imminent risk.

Opponents, again, point to the risk of losing control of the process, but that risk seems small compared to the risk of economic collapse. They also argue congress would ignore such a restraint. The Left would like to ignore the 1st and 2nd Amendments also, but these amendments have been the bread and butter of our defense for these sacred privileges. I contend that having this as law would add force that could be used by principled men to hold the congress to a balanced budget.

### Files:

**Testify via Zoom:** Yes

**Zoom Method:** Computer

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 3:45 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-391: Revise and enhance penalties for criminal distribution of dangerous drugs 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 15:44

**Details:**

**Bill:** HB-391: Revise and enhance penalties for criminal distribution of dangerous drugs 2021-02-24 07:00 AM - (H) Judiciary

**Position:** Proponent

**Representing an Entity/Another Person:** Yes

**Organization:** Montana County Attorney's Association

**Name:** Scott Twito

**Email:** stwito@co.yellowstone.mt.gov

**Phone:** (406) 670-2000

**City, State:** Billings

**Written Statement:** I support HB 391. There should be enhanced penalties in the State of Montana for an offender who distributes an illegal substance to a person and that substance kills that person.

**Files:**

**Testify via Zoom:** Yes

**Zoom Method:** Computer



February 23, 2021

Testimony in Favor of Right to Repair for Agricultural and Ranch Equipment HB 390

My name is Gay Gordon-Byrne and I am the Executive Director of the Digital Right to Repair Coalition also known as Repair.org. We are a 501 c6 Trade Association founded with the express purpose of supporting repair-friendly legislation, regulations and standards.

Our members fix the things we buy. Some of our members repair in-warranty goods on behalf of manufacturers, others specialize in repairing circuit boards, others in buying and selling used equipment around the world, and others strip old equipment for parts and process the remains. We know how complex electronics are designed, manufactured, repaired and recycled.

Gadgets are complex, but repair is not. Manufacturers have always created diagnostic tools to make diagnosis and repair of their products safe and efficient. Repair has been fully legal since the dawn of the computer age, and should remain so as part of the ordinary rights of owners to control their property. The shape, size, application or cost of equipment is irrelevant -- repair is essential to ownership.

**"If you can't fix it -- you don't own it"**

HB 390 is not about any specific technology, it is about contracts that undermine the rights of the owner to repair their property. Copyrights, patents and trade secrets are not altered. EPA or other regulations are not altered. This bill stops the use of hidden or non-negotiable contracts to alter the ability of the farmer or rancher to repair their property.

#1. OEMs sell equipment outright, but fail to tell their customers that they will have to agree to a separate software license agreement to activate their purchase, or may be required to buy all future repair services. These terms fall easily into the definitions of Unfair and Deceptive Trade Practices under Section 30-14-111. Farmers and ranchers, even the largest, cannot negotiate contracts as peers with vendors that can literally disable, turn off, or simply slow walk repairs essential to the farmer. Only the legislature can protect Montanans from these repair monopolies.

#2. OEMs use contracts that reference additional agreements that are not disclosed until after the purchase. These contracts are so difficult to dig out that farmers and ranchers will never be able to discern pre-purchase if they could buy a product with preferable terms and conditions. The free market cannot function without key information that has been hidden away, another form of deception under the statute.

#3. OEMS sell equipment and then add terms and conditions that remove the common rights of ownership specifically control over repair. Yet under ownership law, owners are responsible for themselves and their property. Our systems of accounting, taxation and even personal injury law are based on ownership. When OEMS add contract terms that imply the customer is not the owner, such as any limitations repairing or restoring software to its original, these are rights that belong to the owner and not the OEM or the Dealer.

#4. OEMS have been using an "End User License Agreement" to insert terms and conditions which are never made clear pre-purchase, are written in dense legal language intended to hide and obfuscate the intent, and aren't negotiable. Worse -- these contracts are activated by turning on the machine. This is an abuse of customer rights and is deeply dishonest. Consumers deserve a consistent legal framework for making purchases. Abusive contracts should not be tolerated for any OEM, large or small. OEMs that determine they need to further protect their licensed IP beyond federal copyright law have the option of remaining the owner and renting the product.

#5. OEMs try to avoid as much potential exposure to personal injury litigation by disclaiming every possible potential problem up to the limit of state law. These terms and conditions are in every contract because manufacturers cannot afford to be responsible for the errors of their customers. OEMS do not want to be actually responsible for consumers hurting themselves -- they need to focus on their real responsibility to make sure products are designed and manufactured correctly and promptly repair any defects.

#### **Right to Repair Updates -- 21 States and 33 Bills and growing.**

Right to Repair legislation has been filed in 21 states. At least 3 more states are in the final stages of drafting. The majority of these bills include farm equipment because farmers and ranchers are exasperated. These bills would not be filed if farmers were not asking for help. We aren't driving this train -- farmers are. We're doing the best we can to help because we know the problems in and out.

We urge your committee and the Montana house to stand up for farmers and ranchers and pass HB 390.

Regards,

Gay Gordon-Byrne  
Executive Director  
The Repair Association  
[ggbyrne@repair.org](mailto:ggbyrne@repair.org)  
518-251-2835 (Office)  
201-747-4022 (Mobile)

See Attachment A for further details.





**Attachment A to Testimony for HB 390 - Agricultural Right to Repair  
February 23, 2021**

**Monopolized Repair is Bad Policy**

Repair monopolies are easy to establish because consumers cannot build their own electronic parts, tools, diagnostics or firmware to fix their products. When it comes to any electronic parts, we are all totally dependent on manufacturers, all of which have a very strong financial incentive to restrict repairs.

**Monopoly Advantages for Manufacturers:**

- a) Manufacturers can charge any fee they want for their services. The only alternative is to buy a new machine.
- b) Limit the number of people that can be trained or "Authorized" to make repairs - retaining a labor monopoly and adding to the need to deal only with the dealership.
- c) Refuse to produce spare parts at any point in time - limiting useful life and driving new sales.
- d) Cease making safety and security updates at any time - limiting useful life and driving new sales.
- e) Manipulate trade-in pricing to control the used market so that late-model tractors do not appear on the market as competitive lower-cost options.

**Arguments against Right to Repair:**

We've had several years of experience debunking opposition arguments from multiple industries. For the past 8 years we've yet to hear a coherent argument explaining how repair monopolies are good for consumers. There aren't any actual "Reasons" but there are a host of projections and assertions - none of which survive examination.

Opposition to Right to Repair for Agriculture has publicly focused on three assertions:

1. "Special interest groups" (farmers?? repair.org???) behind these bills only want to be allowed to gain access to **steal valuable source code**. Not so.
  - a. The bill specifically disclaims any interest in source code

- b. The only software requirement is the ability to restore existing embedded software back to its original state. Restoration is impossible without this access.
  - c. Embedded software (aka firmware) is integrated into the machine and parts. There is no reason to steal embedded software or firmware – it is already there.
  - d. Defects in design or manufacturing are often resolved by providing “updates” to embedded software. The word “Updates” implies some new features are being delivered at no charge, but this is not the case. Updates are ALWAYS fixes to known problems, or in the case of Payload files, updates activate new (purchased) configurations.
- 2. **Farmers will use repair documentation to illegally tamper with emissions,** The environment will be harmed, and Dealers won’t be able to sell used equipment as easily. Not so.
  - a. Tampering with emissions is not “Repair” as defined in the bill. Tampering has been going on for years without access to repair materials. Emissions tampering is not made legal by this bill.
  - b. The US Copyright Office has made specific exemptions to copyright law to broadly enable farmers to repair their tractors, including breaking digital locks, for purposes of repair.. This same ruling also requires the farmer to comply with all federal and state laws including EPA requirements. Nebraska Senators cannot alter federal law.
  - c. The schedule of fines from the EPA includes per incident fines for farmers separate from fines on OEMs and dealerships. We have not seen that Dealerships have been deputized by the EPA to enforce federal law.
  - d. Used market transactions are not exclusive to dealers -- farmers buy and sell products directly and through 3rd parties. EPA requirements still apply.
  - e. Secondary market values are supposed to be the result of a free and open market for willing buyers and sellers. Dealers should already be taking equipment condition into account when offering a trade-in.
- 3. **Farmers will become unsafe and people will die.** Not so.
  - a. Farmers with the same tools and diagnostics as available to the Dealership will be just as capable of complete repairs as dealership technicians. Refusal to provide essential diagnostics only increases the incentive to find alternatives.
  - b. OEMs create diagnostic software and tools so that their technicians can efficiently perform problem determination, replace the failed part, download any necessary defect, safety and security patches and fixes, and then re-execute

diagnostics to make sure the machine is working correctly. Once all diagnostics run correctly, the OEM itself considers the machine “completely” repaired. “Incomplete” repairs of electronics would be easily identified by running diagnostics.

### **Enduring conflict of interest between OEMS and Farmers**

OEMS are in the business of designing and selling new equipment. Keeping older equipment in service, such as with a robust culture of repair, is not in their best financial interest.

Farmers have opposite interests -- keeping their investments running as long as possible and at the lowest possible cost. This is why a voluntary solution has been so difficult to achieve -- for OEMs to be “happy” - farmers will be unhappy. It is for you as legislators to decide who gets to be “Happy”.

Most of our members are not farmers. We support the right of farmers to repair and sweat their assets because it's their property and their investment just as we do every other product made with a digital electronic part.

There is value to being the first state to pass this essential and common sense legislation. Repair companies located in Montana will be able to support the region with a home base in Montana. There will be more jobs, and likely more job training focused in Montana as a nexus for those jobs and related purchases and taxes.

Thank you for your consideration.

Please let me know if you have any questions.

Regards,

***Gay Gordon-Byrne***

Gay Gordon-Byrne  
Executive Director  
Repair.org  
[ggbyrne@repair.org](mailto:ggbyrne@repair.org)  
518-251-2837 (office)  
201-747-4022 (mobile)

Author of “Buying, Supporting Maintaining Software and Equipment - an IT Manager’s Guide to Controlling the Product Lifecycle” (copyright 2014 CRC Press)



## **WITNESS STATEMENT**

Written Testimony Provided To:  
**House Judiciary**  
By Danette Welsh  
February 24, 2021

**Regarding: House Bill No. 481**

Mr. Chairman and committee members,

For the record, my name is Danette Welsh and I serve as director of government relations of ONEOK, Inc. ONEOK owns and operates natural gas gathering pipelines and processing facilities, and natural gas liquids transmission pipelines throughout eastern Montana. ONEOK appreciates the opportunity to provide comment in support of HB 481 which will help protect critical infrastructure within the state of Montana.

The safety of our employees, assets, environment, neighbors, and the public cannot be compromised, and we appreciate the added protections HB 481 offers by deterring and penalizing those who may willingly and knowingly damage or otherwise compromise that safety. Willfully damaging actions, organized and unorganized, have occurred just in the past two years in neighboring states including North Dakota and Wyoming. These actions have resulted in economic, social and environmental impacts. HB 481 will provide recourse and true accountability for these actions, and hopefully provide enough deterrence to stop the actions from happening at all.

We thank the sponsor for bringing this legislation forward and encourage the House Judiciary committee to support HB 481. I am available to provide additional information or answer any questions at the contact information provided below.

Danette Welsh  
Director, Government Relations  
ONEOK, Inc.  
(701) 471-9490  
[dwelsh@oneok.com](mailto:dwelsh@oneok.com)

# WITNESS STATEMENT

To the House Judiciary Committee

Opposition to House Bill 481.

Dear Committee Members,

House Bill 481 would threaten to criminalize people rallying against corporate projects by creating a new special protected category of "critical infrastructure" for energy projects.

The bill would impose felony charges and steep fines on anyone who trespasses on or tampers with energy infrastructure. But trespassing and vandalism are already illegal and punishable by steep fines and jail time under existing Montana law. The real impact of this bill is its threat to free speech, freedom of association, and the unintended consequences the bill could have on everyday Montanans.

This bill would have huge repercussions and unintended consequences for farmers and ranchers who have some form of "critical infrastructure" on their land. Sometimes ranchers accidentally hit buried pipelines, or run over exposed pipe with a tractor. This bill could make landowners vulnerable to felony prosecution if they inadvertently "disrupt" the energy infrastructure on their own land. It even potentially criminalizes "entering property containing a critical infrastructure facility," which in the case of a rancher or farmer, could mean their own land.

If passed, House Bill 481 would demote ranchers and property owners beneath energy interests in negotiations over access to leasing sites on their own property. HB 481 also threatens to bankrupt organizations deemed "guilty by association" for acts of vandalism that they did not cause – with fines of up to \$1.5 million.

**I believe in the right to peaceful protest and legal assembly.** This bill seems designed to scare Montanans out of exercising their Constitutional rights by threatening that we could end up liable for **someone else's crime**. And Montana's farmers and ranchers could end up paying excessive fines and facing criminal consequences simply for working their land.

Sincerely,  
Robyn Morrison  
3430 Kase Rd, Helena, MT 59602

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 3:44 PM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-581: Revise gun storage laws 2021-02-24 07:00 AM - (H)  
Judiciary Successfully Submitted on 02-23-21 15:44

**Details:**

Bill: HB-581: Revise gun storage laws 2021-02-24 07:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Moms Demand Action for Gun Sense in America

Name: Rebecca Squires

Email: bsquires749@gmail.com

Phone: (406) 439-7309

City, State: Helena MT

Written Statement: TESTIMONY OF REBECCA SQUIRES Representing Moms Demand Action for Gun Sense in America HB 581 House Judiciary Committee February 24, 2021

My name is Rebecca Squires. I am a volunteer with Moms Demand Action for Gun Sense in America. I support HB 581 because it provides a strong incentive for responsible gun ownership through the secure storage of guns in the home.

I want to tell you why I am passionate about the secure storage of guns, and why you should be, too. My great-nephew, 9-year-old Grady, was shot and killed with a loaded handgun that was left on a table in the home of a friend he was visiting. If that gun had been responsibly stored by the adults in the home, Grady would be alive today.

Grady was my niece's son, my sister's grandson. It was just before he was to start 3rd grade.

When my sister called on that hot summer afternoon and told me "Grady's gone," all I thought at first was maybe he had run away from home. It took a few moments to sink in that he had been shot and killed, but after it did, it brought me to my knees. I couldn't stop shaking and crying. My niece and my sister wanted me to come to Belgrade for support, but I knew I was in no condition to drive. While I waited for my husband to come home from work so he could drive us there, all I could do was pace and cry.

A lot of what happened after that phone call is a blur. When the crime lab released Grady's body and we could go see him, I just couldn't do it. My sister couldn't either, but she was outside the room when his mom saw her darling boy for the first time since he was shot in the head. My sister's description of Kristina wailing in that moment still brings tears to my eyes. No parent should have to bear witness to what she did that day.

Grady was a special kid. He loved the color blue, insects, rocks, and especially, trees. Oh, and dirt biking, of course! But, most importantly, Grady was kind. If he saw another kid being bullied, he always stepped in, and he helped get a Buddy Bench installed at his school, where kids can go if they're lonely and need someone to play with. I have no doubt that he would have made the world a gentler, more inclusive place if he'd only been given the chance. But because of what happened that August day, that opportunity was stolen from him. The world will always be a little less bright because of it.

It's been 5 years since Grady's death. He would have been 14 in January. His family will not get to see him grow up. No other family should have to endure the heartache of losing a child the way we lost Grady. I do not know why the adults in that house were such irresponsible gun owners. But there is no question that a substantial fine for keeping a firearm where a minor is likely to gain access will result in more gun owners storing their firearms responsibly, and fewer deaths like Grady's.

Every year, about 15 children and teens in Montana die by guns. And I can testify to the fact that each of those deaths has a significant impact on the child's family, friends, school, and community. Firearms are the second leading cause of death for children and teens in Montana. You can do something about those terrible statistics. Studies have found that households that locked both firearms and ammunition have a significantly lower risk of firearm deaths than those that locked neither.

I know you can't bring Grady back, but there is something you can do for other Gradys in Montana – please support this bill and take an important step to remind us all that the right to bear arms includes the responsibility to keep them from needlessly killing our children.

Thank you for allowing me to share our tragedy. Please vote for HB 581 to help prevent future ones.

Files:

Testify via Zoom: No

Zoom Method: N/A



**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 11:00 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:00

**Details:**

**Bill:** HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary

**Position:** Opponent

**Representing an Entity/Another Person:** No

**Organization:** N/A

**Name:** Laurie Little Dog

**Email:** LaurieLittleDog@gmail.com

**Phone:** (406) 308-3378

**City, State:** Bozeman, MT

**Written Statement:** My name is Laurie Little Dog and I rise in strong opposition to HB 481.

This criminalizes the People's right to defend tribal homelands and additional efforts that erode the land for future generations.

Please oppose HB481.

**Files:**

**Testify via Zoom:** Yes

**Zoom Method:** Computer

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 11:06 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:05

**Details:**

Bill: HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Hannah Hernandez

Email: precambrianmt@hotmail.com

Phone: (406) 638-1149

City, State: Troy, MT

Written Statement: To House Judiciary Committee,

Oppose HB 481.

This bill is an attack on FREEDOM. This bill adds additional criminal penalties for individuals who participate in protests involving "critical infrastructure." This bill is aimed at individuals who are protesting activities that may harm the environment and human health by adding additional criminal penalties onto activities that are already illegal. It also allows for charging organizations who are "found to be a conspirator," which is incredibly ambiguous.

It is an inherent right for Montanans to gather and protest. Protesting is one of the most patriotic acts a individual and community can undertake. Protesting is the physical demonstration and expression of liberty. Criminalizing the most basic civil liberty of protesting is what happen in fascist, authoritarian regimes.

Vote NO HB 481.

Thank you.

Hannah Hernandez

Files:

Testify via Zoom: No

Zoom Method: N/A

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 11:12 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 11:11

**Details:**

**Bill:** HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary

**Position:** Opponent

**Representing an Entity/Another Person:** Yes

**Organization:** Opening Doors

**Name:** Josh Butterfly

**Email:** butterflyjosh4@gmail.com

**Phone:** (406) 217-6518

**City, State:** Great falls

**Written Statement:** This bill targets protesters freedom of speech, freedom of expression and makes it another door way into the Montana's Justice System. We strongly oppose this bill.

**Files:**

**Testify via Zoom:** Yes

**Zoom Method:** Phone

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 5:52 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 05:51

**Details:**

Bill: HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary

Position: Proponent

Representing an Entity/Another Person: Yes

Organization: Montana Wood Products Association

Name: Julia Altemus

Email: julia@montanaforests.com

Phone: (406) 241-7047

City, State: Missoula, MT

Written Statement: February 23, 2021

Representative Barry Usher

Chair, House Judiciary

State Capitol, Room 137

Helena, MT 59601

RE: HB 481 Protect Critical Infrastructure

Dear Chairman Usher and Committee:

On behalf of the Montana Wood Products Association, we offer our support for HB 481. With all the uncertainty in our country these days, it is important that we protect Montana's critical infrastructure with deterrents such as fines and imprisonment for those that willfully trespass and destroy property, those that may engage an individual or group to do harm or conspire to do harm.

This is an important bill, and we urge your support.

Sincerely,

Julia Altemus

Montana Wood Products Association

Executive Director

Files:

Testify via Zoom: No

Zoom Method: N/A

**LEG Committee-House Judiciary testimony**

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**From:** leg-noreply@mt.gov  
**Sent:** Tuesday, February 23, 2021 7:49 AM  
**To:** LEG Applications Email Backup; LEG Committee-House Judiciary testimony  
**Subject:** Public Comment for Bill HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary Successfully Submitted on 02-23-21 07:49

**Details:**

Bill: HB-481: Protect critical infrastructure 2021-02-24 07:00 AM - (H) Judiciary

Position: Opponent

Representing an Entity/Another Person: No

Organization: N/A

Name: John Rundquist

Email: rundquistador@gmail.com

Phone: (406) 431-5588

City, State: Helena, MT

Written Statement: This bill is redundant as laws already exist for criminal trespass. Further, to include violations for organizations that are suspected conspirators brings ambiguity and could potentially be used as a tool against free speech. This law is an unnecessary big government bill that will accomplish nothing but clogging the courts.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

US Constitution is the law of our land and has been amended many times before to deal with necessary foundational issues. BBA is a foundational issue.

- Our opponents like to sell the false narrative that use of Path B of Article V will absolutely lead to a wide open convention where the BBA topic constraints are certain to be abandoned and a wide-open convention resulting in a totally new constitution results. They will certainly sell this nonsense by arguing that the original 1787 Constitutional Convention was the result of a runaway convention. Fortunately, historical records prove this assertion to be slanderous and false. The delegates to the 1787 Convention in Philadelphia were given a broad mandate from their states to "render the constitution adequate to the urgent needs of the Union." Much scholarly reading on this topic is easily available to clarify this false narrative.
- Our opponents promote the use of Nullification to push back on Federal over reach. I support nullification when appropriate, but realize that while it might be a tool for pushing back against unconstitutional laws, it does not provide any opportunity to make structural changes like a constitutional amendment and the BBA.
- The John Birch Society says if we follow the Constitution and limit congress to its specific enumerated responsibilities, the federal budget will shrink to a small fraction of generated revenues and the budget will have a surplus. The devil is in the details, and JBS never specifically identifies what Federal spending will be eliminated. Nor does JBS provide any details in a plan or any directions on how to accomplish this. The John Birch Society has been preaching this Constitutional purism for around 60 years and the budget problems have exponentially worsened during this span. Where is the success story?
- It is easy for our opponents to sell the SKY IS FALLING false narrative on Article V. Fear is an easy sell to the uninformed. JBS also contends that all Article V applications are the same. They are not.

On January 6, 2015 the United States House of Representatives began the process of cataloging applications submitted to the House by the state legislatures with the adoption of a new provision in the House's parliamentary rules of procedure. As part of this effort, the law firm Van Sickle-Boughey out of Minot ND was tasked with collecting

the historical records in the states on Article V applications. VSB also created a classification system for such application. The results created 5 classes of applications.

- Class I: A call for a general convention, with no motivating issue listed
  - Class II: A call for a general convention, with a separate statement of proposed amendment or explicit statement that the convention may consider other amendments proposed by states
  - Class III: A call for a general convention tied to a proposed amendment
  - Class IV: A call for a convention, with language aimed to limit the convention to the issue presented
  - Class V: A call for a convention, with language to rescind the application from consideration for a convention if any other topic is to be covered.
- Our opponents regularly combine all applications, 1-5 and present their arguments against Class I weakness while projecting these arguments onto all classes and all application. This is dishonest and unethical. Don't let them fool you.

Our opponents take glee in calling all Article V applications as applications for a ConCon, which to them is a clever term for Constitutional Convention. I have a different definition for ConCon. It is CONman-CONjob. Don't let them CON you!

There is no easy button. Regardless of how you chose to vote on the final passage of HJ13, failure to move this bill to a full floor debate would be this committees own version of Cancel Culture, or book burning. A full floor debate will heighten the awareness of Article V and the constitution itself. This debate needs to happen. I support moving the debate forward, vote accordingly.

Terry Kramer

6 Aspen Ln

Clancy, MT. 59634

HD 75. SD38



## WITNESS STATEMENT

February 24, 2021  
House Judiciary Committee  
Helena, MT  
Room 137 @7:00 am

Honorable Chairman Usher and members of the House Judiciary Committee,

My name is Billy Ross and I'm a licensed Profession Civil Engineer living in Great Falls. I'm a registered Montana voter. As a conservative Republican, I'm 100% all for a balanced budget and I'm appalled by the deficit spending that the federal government (both Republicans and Democrats) has become addicted to. Another \$1.9 *trillion* in deficit spending is about to be borrowed. These are borrowing obligations (debt) that we will saddle our Grandchildren's grandchildren with! This type of deficit spending poses not only a very real and significant financial risk to our county, but also a significant national security risk. When the country is broke/bankrupt from this deficit spending, how are we going to be able to put fuel in our F-35 and F-22 fighter jets? In fact, how are we going to even maintain the readiness of our troops and equipment? Well, the short answer is that we will not be able to do so. The result? China completes the take-over of the South China Sea and Russia is empowered to continue the aggression southward that they started in the Ukraine in 2014. Add to that the economic misery at home with inflation, unemployment, increased hunger and homelessness; the list goes on...

These issues can be solved by having the right leadership in Washington. HOWEVER, the solution is not to open up our United States Constitution for change to fix this one particular (but very important) issue of a balanced budget.

Article V of the Constitution calling for a Constitutional Convention simply cannot be limited to the narrow scope of a balanced budget; once the Constitution is opened for change it is FULLY and completely opened to change at essentially all levels.\* This is a classic case of the camel poking his nose underneath your tent; if you let the camel do so you then will soon find the camel making himself right at home *inside* your tent.

Honorable Chairman Usher and members of the House Judiciary Committee, I very respectfully request that you vote against – to vote NO - on HJ 13. Let's work together to solve the deficit spending problem while also keeping the camel from coming inside our tent and trampling all over our great Constitution.

Thank you very much for considering these comments today.

---



Billy Ross, P.E (PE #19605)  
215 38<sup>th</sup> Ave. NW  
Great Falls, MT 59404  
[bill.ross@safety-kleen.com](mailto:bill.ross@safety-kleen.com)

**\* The Article V Convention: Contemporary Issues for Congress:** Thomas H. Neale - Specialist in American National Government, March 7, 2014, Congressional Research Service, 7-5700 [www.crs.gov](http://www.crs.gov) R42589

"In the absence of guidance from Congress, the state legislatures have historically forwarded their applications for an Article V Convention to an almost bewildering range of congressional officers and offices. For practical purposes, this is an area where the Senate and the House of Representatives, acting either jointly or individually, might choose to designate a single official or office to whom such applications should be addressed, such as the Secretary of the Senate and the Clerk of the House of Representatives, or, alternatively, the Speaker and the President pro tempore of the Senate. The law governing the transmission of state electoral college proceedings offers a potential example: in this instance, each state is required to transmit the vote of its electors to the President of the Senate (recall that the Vice President presides over the joint electoral vote count session in his capacity as President of the Senate), the secretary of state of their state, the Archivist of the United States, and the judge of the federal court in the district in which the electors assemble.<sup>153</sup> By designating specific officials, the statute avoids the uncertainty faced by states as to whom their electoral college results should be addressed, and by specifying multiple recipients, it ensures that the certificates will be safely delivered and retained. Once they are received by Congress, state applications for an Article V Convention are classified as "Memorials."<sup>154</sup> As such, they may be addressed to the House or Senate as a whole, to the Speaker or the presiding officer of the Senate, or to individual Senators or Representatives. Memorials are printed on an occasional basis in the Congressional Record after they have been received.

"The Senate assigns a "POM" (petitions or memorials) number to each memorial and prints the full text of memorials received from state legislatures from time to time under the heading "Petitions and Memorials" in the Record, as authorized by Rule VII of the Standing Rules of the Senate.<sup>155</sup>

"House practice differs somewhat: memorials are customarily presented by the Speaker, in accord with Rule XII, clause 3 of the Rules of the House. They are assigned a number, and printed and recorded separately from other communications in the Congressional Record, under the heading "Memorials." Unlike the Senate, the House includes only a digest of the state measure.<sup>156</sup>"

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<sup>153</sup> 3 U.S.C. 11.

<sup>154</sup> For additional information, see CRS Report 98-839, Messages, Petitions, Communications, and Memorials to Congress, by R. Eric Petersen.

<sup>155</sup> See Standing Rules of the United States Senate, Rule VII, paragraph 1, available at <http://rules.senate.gov/public/index.cfm?Rule=VII>.

<sup>156</sup> See Rules of the House of Representatives, Rule XII, clause 3, at <http://www.rules.house.gov/singlepages.aspx?NewsID=133&rsbd=165>.



# **The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress**

**Thomas H. Neale**  
Specialist in American National Government

March 7, 2014

Congressional Research Service

7-5700

[www.crs.gov](http://www.crs.gov)

R42589

## Summary

Article V of the U.S. Constitution provides two methods of proposing amendments. First, Congress, with the approval of two-thirds of both houses, may propose amendments to the states for ratification, a procedure used for all 27 current amendments. Second, if the legislatures of two-thirds of the states apply, 34 at present, Congress “shall” call a convention for considering and proposing amendments. This alternative, known as an Article V Convention, has yet to be implemented. This report examines the Article V Convention, focusing on contemporary issues for Congress. CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, examines the procedure’s constitutional origins and history and provides an analysis of related state procedures.

Contemporary developments give evidence of renewed interest in the Article V Convention alternative as emerging Internet- and social media-driven public policy campaigns embrace the convention alternative as a vehicle to bypass perceived policy deadlock at the federal level. In 2011, individuals and advocacy groups ranging on the political spectrum from conservative libertarian to progressive joined in a 2011 conference, “ConConCon,” to discuss and promote an Article V Convention. In November 2013, the Ohio legislature applied for an Article V Convention to consider a balanced federal budget amendment, the first new state application received since 1982. On December 7, 2013, a group of 100 state legislators convened to promote an Article V “convention of states,” while a new policy advocacy group of the same name is promoting an Article V Convention to propose amendments that “impose fiscal restraints and limit the power of the federal government.” Earlier in 2013, the Compact for America, a group initially sponsored by the Goldwater Institute, proposed the “Compact for a Balanced Budget.” This initiative would involve an interstate compact that would provide a single package by which states would call for a convention, agree to convention format, membership and duration, agree to and propose to Congress a specific balanced budget amendment, and prospectively agree to ratify the said amendment.

The Constitution provides a brief description of the Article V Convention process, but leaves many questions unanswered. If an Article V Convention seemed imminent, Congress would face a range of issues and questions associated with a convention summons. These would include the following: Is Congress required to call a convention? What constitutes legitimate applications from the states, and what authority does Congress have to decide this question? What sort of convention would it be: “general,” open to consider any issue, or “limited,” confined to a specific issue? Could a “runaway” convention propose amendments outside its mandate? Is Congress required to submit to the states *any* amendment proposed by an Article V Convention? Does Congress establish the procedures for a convention, and has it addressed this issue in the past? How should Congress process state applications for a convention? How many delegates should a convention include? How should the states vote? How long should the convention last? Could Senators and Representatives serve in an Article V Convention? Would a simple majority suffice to propose amendments, or is a super-majority appropriate? Would the District of Columbia, U.S. territories, and other associated jurisdictions participate? What would the President’s role be?

If Congress were called on to summon a convention, it could consult a range of information resources in fashioning its response. These include the original intent of the founders, scholarly works cited in this report and elsewhere, historical examples and precedents, and the work of previous congressional examinations of the issue from the 1970s through the 1990s.

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## Introduction

Article V of the U.S. Constitution provides two methods by which the nation's founding charter may be amended. The first, Amendment by Congressional Proposal, requires the adoption of an amendment or amendments by a two-thirds vote in both houses of Congress; the second, generally referred to as the "Article V Convention" method, authorizes the states to apply to Congress for a convention for proposing an amendment or amendments. If the legislatures of two-thirds of the states, 34 at present, do, in fact, apply for a convention, Congress is obliged to convene one. Both methods then require the approval of three-fourths of the states, 38 at present, in order to become part of the Constitution.

While the Article V Convention option was largely dormant for more than two decades after the early 1980s, there is evidence of revived interest both in new constitutional amendment proposals and in the use of the Article V method as a grass-roots or state-driven alternative that could empower a convention to propose amendments without securing a two-thirds majority in both chambers of Congress. Indeed, the evidence of the founder's actions at the 1787 Constitutional Convention suggests that they intended the Article V Convention as a "way around" a Congress unwilling to consider an amendment or amendments that enjoyed broad support. Whether current efforts to promote an Article V Convention enjoy sufficiently broad support to make serious progress toward their goal remains to be seen.

In the past, the need to mobilize public support, coupled with the measured pace of state legislative action, guaranteed that an organized movement for an Article V Convention would take considerable time to develop public awareness and support and move the application process forward. Over the past 15 years, however, extraordinary advances in communications technology may have altered this calculation. The swift rise of Internet- and social media-driven policy campaigns suggests that the time-consuming organization and development once considered prerequisite to an effective Article V Convention advocacy movement could be greatly compressed in the contemporary context, and that much of the infrastructure previously thought necessary for such a campaign might be avoided altogether.

This report opens with a brief overview of the provisions of Article V of the U.S. Constitution, which established the alternative procedures for proposing amendments to the states. A companion report, CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, provides more comprehensive information on the Article V Convention mechanism, including a detailed examination of constitutional and statutory provisions, constitutional origins and original intent, case studies of major campaigns for an Article V Convention, and a review of the role of the states in the process.

## Background: Article V of the U.S. Constitution in Brief

Article V of the U.S. Constitution provides two methods for amending the nation's fundamental charter. The first, or "Congressional" method, authorizes proposal of amendments by Congress:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, ... which ... shall be valid to all Intents and Purposes, as

Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress....<sup>1</sup>

The second, or “Article V Convention” method, requires Congress, “on the Application of the Legislatures of two thirds of the several States,” 34 of 50 at present, to call “a Convention for proposing Amendments....”

Amendments ratified by the states under either procedure are indistinguishable and have equal force; they are both “valid to all Intents and Purposes, as Part of this Constitution ....”<sup>2</sup> Both modes of amendment share key constitutional requirements:

- Amendments proposed either by Congress or an Article V Convention must be ratified by three-fourths of the states, 38 at present.
- Congress is authorized to choose the method of ratification in the states. The options are ratification by ad hoc *conventions* called by the states for the specific purpose of considering the ratification, or ratification by the legislatures of the states. The three-fourths requirement applies in both instances.<sup>3</sup>

In addition, three elements not included in the Constitution have also become “standard procedure” when Congress proposes amendments. As precedents, they would also likely be followed for an amendment or amendments proposed by an Article V Convention.<sup>4</sup>

- First, amendments are not incorporated into the existing text of the Constitution as adopted in 1788, but rather, are included as supplementary articles.<sup>5</sup>
- Second, Congress may set a time limit on the ratification process. Beginning with the 18<sup>th</sup> Amendment, proposed in 1917, and continuing with the 20<sup>th</sup> through 26<sup>th</sup> Amendments,<sup>6</sup> Congress specified that amendments must be ratified within seven years after being proposed in order to become effective.<sup>7</sup>

---

<sup>1</sup> U.S. Constitution, Article V.

<sup>2</sup> Ibid.

<sup>3</sup> To date, Congress has specified ratification by ad hoc state convention for only one amendment, the 21<sup>st</sup>, which repealed the 18<sup>th</sup> “prohibition” amendment. This is discussed at greater length later in this memorandum.

<sup>4</sup> A fourth element applies to amendments proposed by Congress: the congressional vote must be by *two-thirds vote of the Members present and voting, a quorum being present* in both the House and Senate, in order to propose an amendment. This practice was endorsed by the Supreme Court in the *National Prohibition Cases*, of 1920 (253 U.S. 350, 386 (1920)).

<sup>5</sup> James Madison, sponsor in the House of Representatives of the amendments now known as the Bill of Rights, suggested they should be incorporated in the body of the Constitution. The House decided instead to add them to the end of the Constitution as additional articles, a precedent followed for all subsequent amendments.

<sup>6</sup> The 27<sup>th</sup> Amendment, the most recently ratified, was proposed to the states in 1789 *without* a seven-year time limit on ratification. It requires that congressional salary increases can take effect only after an intervening election. Despite having been pending for 203 years, this amendment was revived, ratified by more states, and was ultimately declared to have been ratified in 1992.

<sup>7</sup> The seven-year requirement was incorporated in the body of the amendment in the 18<sup>th</sup> and 20<sup>th</sup> through 22<sup>nd</sup> Amendments. For subsequent amendments, Congress concluded that incorporating the time limit in the amendment itself “cluttered up” the amendment. Consequently, the 23<sup>rd</sup> through 26<sup>th</sup> Amendments placed the limit in the authorizing resolution, rather than in the body of the amendment. (See “Article V: Ratification” in U.S. Congress, Senate, *The Constitution of the United States, Analysis and Interpretation*, 108<sup>th</sup> Congress, Senate Document 108-17 (Washington: GPO, 2004), available at <http://www.gpoaccess.gov/constitution/pdf2002/015.pdf>.)



- Finally, the Constitution does not require approval of proposed amendments by the President, who has no official function in the process of proposing an amendment to the states. The chief executive's approval or signature has no bearing on the process, and he or she cannot veto or pocket veto a proposed amendment that has been approved by the requisite congressional majorities, or proposed by an Article V Convention.<sup>8</sup>

The first method has been used by Congress to submit 33 amendments to the states, beginning with the Bill of Rights in 1789. Of these, 27 amendments were approved by the states; 26 of them are currently in effect, while one, the 18<sup>th</sup> Amendment that prohibited the "manufacture, sale, or transportation of intoxicating liquor," was ultimately repealed by the 21<sup>st</sup> Amendment.

The Article V Convention option has yet to be successfully invoked, although not for lack of activity in the states. Three times in the 20<sup>th</sup> century, concerted efforts were undertaken by proponents of particular amendments to secure the number of applications necessary to summon an Article V Convention. These included conventions to consider amendments to (1) provide for popular election of U.S. Senators; (2) permit the states to include factors other than equality of population in drawing state legislative district boundaries; and (3) to propose an amendment requiring the U.S. budget to be balanced under most circumstances.<sup>9</sup> The campaign for a popularly elected Senate is frequently credited with "prodding" the Senate to join the House of Representatives in proposing what became the 17<sup>th</sup> Amendment to the states in 1912, while the latter two campaigns came very close to meeting the two-thirds for an Article V Convention in the 1960s and 1980s, respectively.<sup>10</sup>

## **Congress and the Article V Convention in the 21<sup>st</sup> Century**

Three decades have passed since the high-water mark of the balanced budget amendment convention campaign in the 1980s. Few current Members of either chamber have experienced the prospect of an Article V Convention. After 30 years of relative inactivity, however, there is evidence of renewed public interest in the convention alternative.

### **Congress: Key Actor in the Article V Convention Process**

What compelling interest, among the many competing demands for its time and energy, does Congress have in the Article V Convention mechanism? There is little to command its interest if the Article V Convention remains, as it has for the past three decades, a constitutional footnote. In the event of revived public interest in this issue, however, Congress might choose to reexamine its constitutional duties under Article V.

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<sup>8</sup> This issue was determined as part of a 1798 Supreme Court decision, *Hollingsworth v. Virginia*, 3 Dall. (3 U.S.) 378 (1798).

<sup>9</sup> For more detailed information on the origins and history of the Article V Amendment process, please consult the companion report, CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale.

<sup>10</sup> By 1969, 33 states had applied for a convention to consider amendments related to state legislative reapportionment. Between 1975 and 1983, 32 petitioned for a convention to consider a balanced budget amendment.

First, Article V delegates important and exclusive authority over the amendment process to Congress. As noted earlier in this report, first among these are the right to propose amendments directly to the states for their consideration on the vote of two-thirds of the Members of the House of Representatives and the Senate and the responsibility for summoning a convention for consideration of amendments on application of the legislatures of two-thirds of the states *and* submitting any amendments proposed by an Article V Convention to the states for their consideration.

Second, while the Constitution is silent on the mechanics of an Article V convention, Congress has traditionally laid claim to broad responsibilities in connection with a convention, including (1) receiving, judging, and recording state applications; (2) establishing procedures to summon a convention; (3) setting the amount of time allotted to its deliberations; (4) determining the number and selection process for its delegates; (5) setting internal convention procedures, including formulae for allocation of votes among the states; and (6) arranging for the formal transmission of any proposed amendments to the states.

## **Traditional Deterrents to an Article V Convention**

It may be argued that there is no immediately pressing need for Congress to examine its Article V options and responsibilities. Historical precedent suggests that attaining petitions from two-thirds of the states in a timely manner is a difficult obstacle, as demonstrated by the several unsuccessful convention drives in the latter part of the 20<sup>th</sup> century. As noted earlier, these fell short of the two-thirds mark, despite the vigorous efforts of organized support groups over a period of several years, and until recently, there has been little apparent interest in the Article V Convention mechanism in the states since the 1980s. Judging by the historical record, the process might arguably be described as a footnote to constitutional history.

The obstacles to any campaign for an Article V Convention remain daunting even in the face of rapid change: the Constitution sets a considerable hurdle for the Article V Convention process by requiring that applications for a convention be made by the legislatures of at least two-thirds of the several states. Further, as this report demonstrates, there are competing schools of thought on how a convention should be called, what would be an appropriate mandate for the convention, the scope of any amendments it might propose, and, perhaps most important, the role of Congress in all these questions. Moreover, any amendments proposed would face the same task of securing approval of three-fourths of the states before they were ratified.

The measured pace of the legislative process in the states has also traditionally served as a check to haste in calling such a convention.<sup>11</sup> For instance, in the case of the balanced budget amendment convention drive, it took seven years for an organized campaign to gain convention applications from 32 of the necessary 34 states.<sup>12</sup> Nevertheless, given the extraordinary speed and

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<sup>11</sup> As Supreme Court Justice and constitutional commentator Joseph Story noted, “The great principle to be sought is to make the changes practicable, but not too easy; to secure due deliberation, and caution; and to follow experience, rather than to open a way for experiments, suggested by mere speculation or theory.” See Joseph Story, *Commentaries on the Constitution of the United States* (Boston: Hilliard, Gray & Co., 1833), §1821. Available in *The Founders Constitution*, a joint venture of the University of Chicago Press and the Liberty Fund, Web edition, at <http://press-pubs.uchicago.edu/founders/documents/a5s12.html>.

<sup>12</sup> See under “The Balanced Budget Amendment: 1975-1983” in CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale. While most state legislatures convene annually, their sessions are frequently limited by law; 32 states place some form of time constraint (continued...)

flexibility of contemporary social media and communications technology, interested organizations could conceivably launch an Article V Convention campaign for a specific amendment or amendments, or perhaps for a general constitutional convention, within a shortened time frame. In the 1960s, 1970s, and 1980s, it took time for “grass roots” efforts to emerge, form organizations to promote their causes, communicate with like-minded groups, undertake campaigns in state legislatures, and generally to learn and perfect the ancillary skills necessary for nationwide issue advocacy. Today, in contrast, the greatly enhanced level of communications technology and widespread use of social media arguably provide a ready-made infrastructure for emerging advocacy campaigns.

## **Emergence of Technology-Driven Issue Advocacy—A Model for Contemporary Article V Convention Supporters?**

Communications technology has greatly advanced in the three decades since the campaign for an Article V balanced budget convention gained its last state application in 1983. The development and subsequent ubiquity of e-mail and social media have already provided a new and compelling model for issue-driven mass policy advocacy campaigns. The emergence of social-media driven groups such as MoveOn.org, the Tea Party movement, and Occupy Wall Street serve as the most obvious examples. Their swift rise, combined with widespread publicity, and a certain degree of success, suggest the possibility that a contemporary campaign, using the communications strategies and tools of the age, could arguably move the issue of an Article V Convention to the forefront of public awareness on a shorter cycle than was possible for previous campaigns.

In an era of instant interpersonal electronic communication, e-mail and other social network media can facilitate remarkably rapid growth in awareness of a political phenomenon. For instance, MoveOn.org emerged in 1998 as an ad hoc online coalition opposed to the impeachment of President Bill Clinton; it has since grown to a membership of 5 million.<sup>13</sup> More recently, the Tea Party movement originated in late 2008 with online discussions on conservative-oriented social networking sites and frequent conference calls among organizers. On February 19, 2009, a cable network business commentator made an on-air call for rallies to oppose government spending; his emotionally charged remarks were picked up by various websites and went “viral.” In just two months the newly named “Tea Party” movement was able to rally over 600,000 supporters in more than 600 demonstrations around the nation.<sup>14</sup> Occupy Wall Street was started by Canadian activists on July 13, 2011;<sup>15</sup> by September 17, it had begun its protests in New York

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(...continued)

on their sessions, frequently limiting them to as little as 60 to 90 session days. Given the generally hectic pace and urgent demands faced by most state legislatures during their sessions, it seems unlikely that Article V convention proposals could make it through the legislatures of 34 states in one year. Judging from previous efforts, it appears more likely that even a well-publicized and popular Article V petition drive would require two to five years of state legislative action before it approached “critical mass.” See *The Book of the States*, 2009 edition, volume 41 (Lexington, KY: Council of State Governments, 2009), pp. 83-85.

<sup>13</sup> Jonathan Rauch, “How Tea Party Organizes Without Leaders,” *National Journal*, September 11, 2010, available at [http://www.nationaljournal.com/njmagazine/cs\\_20100911\\_8855.php](http://www.nationaljournal.com/njmagazine/cs_20100911_8855.php).

<sup>14</sup> Ibid.

<sup>15</sup> “Occupy Wall Street To Turn Manhattan Into ‘Tahrir Square’” *New York Times*, September 17, 2011, available at <http://newyork.ibtimes.com/articles/215511/20110917/occupy-wall-street-new-york-saturday-protest.htm>.

City, and within a month, it claimed to have mounted demonstrations or other protests in 70 major cities and more than 600 communities throughout the country.<sup>16</sup>

Advances in communications technology and the examples of such phenomena as the Tea Party and Occupy Wall Street movements could provide a model for present-day advocates of the Article V Convention alternative. Notwithstanding the deterrents to an Article V Convention cited earlier in this report, the methods and technologies identified above could arguably be harnessed to promote a credible campaign in a much shorter period of time than was the case with previous convention advocacy movements.

As the institution authorized by the Constitution to summon, and, arguably, to plan for and guide an Article V Convention, this prospect could present Congress with a range of consequential issues in a time frame that could require its urgent consideration. Under these circumstances, Congress might be called on to revisit the Article V Convention issue for the first time since the 1980s.

## **2011-2012: Revival of Interest in the Article V Convention Option**

After more than 20 years of inactivity, there is evidence of renewed interest in the Article V Convention option among various policy advocacy groups. The convention method may be particularly attractive on several grounds: it springs unquestionably from the “original intent” of the founders; the need for state petitions suggests widespread popular grass-roots origins; and the prospect of proposing amendments directly to the states offers an alternative to what some have characterized as a legislative and policy deadlock at the federal level.

One organization, the Friends of the Article V Convention (FOAVC), a self-described non-partisan group, has been a persistent advocate of the convention option since at least 2007. Its website<sup>17</sup> includes lists of what the organization claims are over 700 state applications for a convention.

In a subsequent development, in September 2011, a diverse coalition, including Harvard Law School; the Tea Party Patriots; and Fix Congress First, a self-described “network of activists fighting the corrupting influence of money and politics,”<sup>18</sup> sponsored a Conference on the Constitutional Convention—“ConConCon”—at Harvard.<sup>19</sup> This colloquium investigated constitutional and political questions associated with an Article V Convention, identified state and local grass-roots planning for a convention, and considered the question of proceeding with a convention campaign.<sup>20</sup>

Also in 2011, the Tax and Fiscal Policy Task Force of the American Legislative Exchange Council (ALEC) released *Proposing Constitutional Amendments by a Convention of the States, A Handbook for State Lawmakers*. This publication, which provides an overview of the Article V

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<sup>16</sup> Joanna Walters, “Occupy America: Protests Against Wall Street and Inequality Hit 70 Cities,” *The Guardian* (U.K.), October 8, 2011, available at <http://www.guardian.co.uk/world/2011/oct/08/occupy-america-protests-financial-crisis>.

<sup>17</sup> See Friends of the Article V Convention, available at <http://www.foavc.org/>.

<sup>18</sup> This group has renamed itself Rootstrikers, available at <http://rootstrikers.org/>.

<sup>19</sup> Conference on the Constitutional Convention, available at <http://conconcon.org/>.

<sup>20</sup> *Ibid.*, available at <http://conconcon.org/agenda.php>.

Convention question, includes such elements as an overview of the process; the question of judicial review; a step-by-step guide to the state application process; an examination of the “runaway convention” question; and “practical recommendations” for the states. ALEC describes itself as a non-profit organization that provides a forum for state legislators and private sector leaders to discuss and exchange information on state policy issues. It focuses on such issues as “free markets, limited government and constitutional division of powers between the federal and state governments.”<sup>21</sup> Critics of ALEC and its programs, such as Bob Edgar, president of Common Cause, assert, however, that “its mission is to bring together corporations and state legislators to draft profit-driven, anti-public-interest legislation, and then help those elected officials pass the bills in statehouses from coast to coast.”<sup>22</sup>

A further example of increasing interest in the Article V device was offered by a “ConConCon” participant, Harvard Professor Lawrence Lessig, collaborating with campaign management expert Mark McKinnon on “How to Sober Up Washington,” a related article that appeared in *The Daily Beast* on April 6, 2012. The authors called for a convention to consider amendments that would eliminate what they describe as corruption in the federal government:

There is something we can do. We, the People, can take back the power we gave to Congress. We can take it back through the states. The framers left open a path to amendment that doesn’t require the approval of Congress: a convention. Article V of the Constitution requires Congress to call a convention to propose amendments if 34 state legislatures demand it.<sup>23</sup>

Moreover, they assert that an Article V Convention would be equally attractive to the political left and right, because, assuming that it would be an open convention,<sup>24</sup> the delegates could consider, and conceivably propose, amendments from the agendas of both ends of the political spectrum:

The beauty of a convention is that it would provide a forum of possibility for conservative Tea Party types who might want an amendment calling for a balanced budget; or a line-item veto for the president as well as progressives who would like to amend the [C]onstitution to make it possible to enact meaningful campaign finance reform. The only requirement is that two-thirds of the states apply, and then begins the drama of an unscripted national convention to debate questions of fundamental law. It would be a grand circus of democracy at its best.<sup>25</sup>

One notable aspect of these proposals for an Article V Convention appears to be the political diversity of their proponents. As noted previously, “ConConCon” was partially sponsored by organizations that represent divergent parts of the political spectrum, while the conference itself was co-sponsored by Harvard Law School and held on the Harvard campus. These efforts may

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<sup>21</sup> For additional information on ALEC, see <http://www.alec.org/about-alec/frequently-asked-questions/>.

<sup>22</sup> Mike McIntyre, “Conservative Non-Profit Acts as a Stealth Business Lobbyist,” *New York Times*, April 21, 2012, available at [http://www.nytimes.com/2012/04/22/us/alec-a-tax-exempt-group-mixes-legislators-and-lobbyists.html?pagewanted=1&\\_r=1](http://www.nytimes.com/2012/04/22/us/alec-a-tax-exempt-group-mixes-legislators-and-lobbyists.html?pagewanted=1&_r=1).

<sup>23</sup> Mark McKinnon and Lawrence Lessig, “How to Sober Up Washington,” *The Daily Beast*, April 6, 2012, available at <http://www.thedailybeast.com/articles/2010/04/06/how-to-tell-dc-politicians-to-go-to-hell.html>.

<sup>24</sup> The question of whether an Article V Convention has the authority to propose an amendment or amendments on any issue (open), or is restricted to the single issue for which it is convened (closed) is examined in detail later in this report.

<sup>25</sup> McKinnon and Lessig, “How to Sober Up Washington.”

reflect a deliberate choice to target “grass roots” populist and libertarian reformist elements on both the political left and right.

## **2013-2014: Most Recent Article V Convention Developments**

Since the “ConConCon” of 2011, a number of new developments indicate continued growing interest in an Article V Convention, particularly an amendment or amendments requiring a balanced federal budget and/or limits on the federal debt.

### **Ohio Legislature Applies for an Article V Convention, November 2013**

On November 20, 2013, the Ohio legislature approved an application for an Article V Convention to consider an amendment requiring a balanced federal budget except in wartime or instances of declared national emergency.<sup>26</sup> This action came after three decades of comparative inactivity in the states and was the first fresh-start application filed by a state since that of the Missouri legislature in 1982.

Ohio’s action brings the number of states that have applied for a convention for this specific purpose to 33, one short of the two-thirds threshold set in the Constitution. Between 1975 and 1983, the legislatures of 32 states submitted applications for an Article V Convention to consider an amendment requiring a balanced federal budget except in times of national emergency.<sup>27</sup> Some observers maintain that state applications remain valid indefinitely, while others claim that state applications expire after some length of time, so that Ohio’s application brings the total to 33, one short of the constitutional requirement. Other observers disagree, however, claiming that state applications have only a limited lifespan; by this reasoning, most or all the previous applications have expired and are invalid, so the Ohio application should not be aggregated with the earlier ones, but must be considered as first of a new series.<sup>28</sup>

A further complicating factor centers on state actions rescinding their previous applications for a balanced budget amendment convention. In the years following the convention movement’s high water mark in 1982, nine states rescinded their applications for an Article V Convention; subsequently, however, three of the states that rescinded have since filed fresh applications.<sup>29</sup> This issue turns on the question of whether states have the right to rescind their applications for an

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<sup>26</sup> S.J. Res. 5, 130<sup>th</sup> Ohio General Assembly, at [http://www.legislature.state.oh.us/res.cfm?ID=130\\_SJR\\_5](http://www.legislature.state.oh.us/res.cfm?ID=130_SJR_5). The resolution also called on Congress to propose a balanced budget amendment to the states, a format previously employed widely in other past state applications.

<sup>27</sup> For additional information consult CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale, pp. 12-14.

<sup>28</sup> A shelf life of two, four, or seven years has been suggested, but other observers claim that state applications have no expiration date. For additional information on this question, consult CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale, p. 18.

<sup>29</sup> According to the Friends of the Article V Convention’s web site, between 1988 and 2010, Alabama, Arizona, Florida, Georgia, Idaho, Louisiana, Montana, New Hampshire, Nevada, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, and Wyoming rescinded Article V applications. In recent years, however, Alabama, Florida, and New Hampshire have submitted fresh applications for a convention to consider a balanced budget amendment. The author gratefully credits Gregory Watson, Legislative Assistant with the Texas Legislature for his assistance in verifying this list.

Article V Convention. Here again, proponents of the convention device deny their ability to do so, while others argue to the contrary.<sup>30</sup>

Depending on the observer's position on the questions of timeliness and rescission, Ohio could be the 33<sup>rd</sup> state to apply for an Article V Convention to propose a balanced budget amendment, or it could be the 27<sup>th</sup>, or the fourth, or conceivably only the first.

### **"Mount Vernon Conference," December 2013**

In a related development, a group of 100 state legislators met on December 7, 2013, at the National Library for the Study of George Washington on the grounds of the Mount Vernon estate in Virginia, to discuss organizing for a projected Article V Convention. It is unclear whether the conference organizers intended a comparison to the Mount Vernon Conference of 1785, a meeting of Maryland and Virginia delegates that was a precursor to the Philadelphia Constitutional Convention.<sup>31</sup>

According to one press account, "The purpose of the meeting is to discuss and draft an agenda for a 'Convention of the States' for the sole purpose of writing the rules that would govern any Article V Conventions for proposing amendments, a so-called constitutional convention."<sup>32</sup> Another report identified Convention of States (COS) as the primary stimulus for the meeting. Convention of States is a project of Citizens for Self Governance, an advocacy group whose self-described goal is "to take power away from big government and the big money that influences it... and return the power to its rightful owners, the people..." and "enable the conservative grassroots to restore our country to a republic with effective self-governance."<sup>33</sup> According to COS, the movement's ultimate objective is to call an Article V Convention that would address a particular subject, rather than a specific amendment, in this case, issues related to "limit[ing] the power and jurisdiction of the federal government." According to their argument, this would then allow a convention to consider amendments in other related issues (e.g., term limits and tax reform).<sup>34</sup>

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<sup>30</sup> Dwight Connely, "Amending the Constitution: Is This any Way to Call for a Constitutional Convention?" *Arizona Law Review*, volume 22, issue 4, 1980, pp. 1033-1034.

<sup>31</sup> The organizers may have intended to draw a connection with the original Mount Vernon Conference of 1785, at which representatives from Maryland and Virginia negotiated an agreement settling outstanding issues concerning fisheries, commerce, and navigation in the Potomac River and Chesapeake Bay. George Washington presided. In addition to negotiating a compact settling these issues, other states were invited to attend a conference on commercial issues at Annapolis the following year. The Annapolis Convention of 1786, attended by representatives of six states, in turn issued the call for the Philadelphia Constitutional Convention of 1787.

<sup>32</sup> Nikki Kelly, "Long Pushes Mount Vernon Assembly," *Journalgazette.net* (Fort Wayne, IN), November 145, 2013, at <http://www.journalgazette.net/article/20131114/LOCAL0202/131119679>.

<sup>33</sup> Citizens for Self Governance, "About Citizens for Self Governance/Mission" at <http://selfgovern.com/about/>.

<sup>34</sup> Convention of States, "News," Citizen's Toolkit, Frequently Asked Questions, at <http://www.conventionofstates.com/news/looking-back-moving-forward>.



### **Compact for America's Compact for a Balanced Budget Amendment: A "Turn-Key" Plan for an Article V Convention<sup>35</sup>**

A different approach to the Article V Convention question was advanced in 2013 by the Compact for America, CFA. The Compact for America is an advocacy group initially launched by the Goldwater Institute,<sup>36</sup> a public policy organization which identifies its focus as research oriented to individual rights, the free market economy, and limited constitutional government;<sup>37</sup> CFA currently identifies itself as a domestic non-profit "501(c)4" corporation registered in Texas.<sup>38</sup> The organization's program is comprised of the Compact for a Balanced Budget Amendment ("the Compact"), a proposed interstate compact, which, in the institute's words, would transform "the otherwise cumbersome state-initiated amendment process under Article V into a 'turn-key' operation."<sup>39</sup> The Compact includes a comprehensive program that, in the opinion of its advocates, meets all the requirements necessary to

- apply for and convene a convention;
- provide rules and operating procedures for the convention;
- convene the convention;
- present, approve, and propose a pre-drafted amendment for transmission to the states; and
- provide for prospective state ratification of the amendment.

The single action of the requisite number of states in agreeing to the Compact would, its proponents argue, set in motion the convention process and carry it through to successful ratification and incorporation as part of the Constitution. Proponents of the Compact maintain that the interstate compact device would speed up the Article V Convention process, so that a convention could be called, convened, and adjourned and an amendment proposed and ratified within 12 months.<sup>40</sup>

The Compact seeks to anticipate and prescribe procedures for various elements in the Article V Convention process. States that agree to the Compact would simultaneously agree to its various requirements. A state's act of agreement to the Compact would constitute its application for an Article V Convention, the sole purpose of which would be to propose an amendment whose text is prescribed in the Compact. Participating states also agree to observe the Compact's provisions governing the convention's composition and rules of procedure. Finally, by agreeing to the

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<sup>35</sup> The author extends grateful thanks and credit to CRS Legislative Attorney Kathleen S. Swendiman, [kswendiman@crs.loc.gov](mailto:kswendiman@crs.loc.gov), 7-9105, who prepared much of the section dealing with interstate compacts.

<sup>36</sup> The institute is named for the late Barry M. Goldwater, Arizona Senator from 1953-1965 and 1968-1987, and Republican nominee for President in 1964.

<sup>37</sup> "Liberty and Justice for All," Goldwater Institute, at <http://goldwaterinstitute.org/institute>.

<sup>38</sup> [CompactforAmerica.org](http://compactforamerica.org), "About," at <http://www.compactforamerica.org/about-2/>.

<sup>39</sup> The Compact for America was endorsed by the American Legislative Exchange Council's Board of Directors on January 28, 2013. See <http://www.alec.org/model-legislation/resolution-to-effectuate-the-compact-for-america/>.

<sup>40</sup> Goldwater Institute, Compact for America, Statement of Nick Dranias, November 20, 2013, at <http://goldwaterinstitute.org/article/compact-america>.

Compact, states also commit themselves to “prospective” ratification of the proposed amendment.<sup>41</sup>

The keystone element of the Compact is the “Balanced Budget Amendment” that would be proposed by the convention. Among its major elements, the amendment would

- provide for a balanced federal budget at all times, unless any deficit is financed by debt issued in conformity with the amendment’s requirements;
- set a ceiling for federal debt equal to 105% of the outstanding debt at the time the amendment takes effect;
- require that any increase in the federal debt ceiling proposed by Congress must be submitted to the states and approved by a simple majority (26, assuming the District of Columbia and the territories are excluded) of state legislatures within 60 days before taking effect;
- require the President to ensure that the debt ceiling is not exceeded by proposing the impoundment of specific expenditures sufficient to prevent the breach. The President’s impoundments would become effective in 30 days unless Congress proposed alternatives of the same or greater amount;
- specify that the President’s failure to designate or enforce such impoundments would be an impeachable misdemeanor; and
- require that any new or increased tax revenue tax legislation be approved by two-thirds of the full membership of the Senate and House of Representatives on a roll call vote.

The Compact includes other noteworthy provisions. It would establish an ongoing Compact Commission which would promote the convention, encourage states to join, and “coordinate the performance of obligations (presumably of signatory states) under the Compact,” among other things. It would set the size of convention delegations as one delegate per member state, and specifies that the governor of each member state would serve as the state’s delegate, contingent on the governor’s taking a leave of absence from state duties. The convention would last one day, and its sole duty would be to introduce, debate, vote upon, and reject or propose for ratification the specific text of the Balanced Budget Amendment described above.<sup>42</sup>

As part of the compact initiative, the CFA has also drafted model legislation for a concurrent resolution that could be used by Congress to call the convention. Title I of the model resolution also includes the text of the proposed amendment and would establish procedures governing the form of the convention, delegate appointment, convention rules of procedure, and provisions governing congressional referral of the proposed amendment to the states. Title II of the resolution would refer the Balanced Budget Amendment proposed by the convention to the state legislatures for ratification.<sup>43</sup>

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<sup>41</sup> Ibid., “Compact for State Legislators,” at <http://goldwaterinstitute.org/article/compact-america>.

<sup>42</sup> Goldwater Institute Web Site, “Compact for a Balanced Budget,” at <http://goldwaterinstitute.org/sites/default/files/CFA-Text-Compact%20for%20a%20Balanced%20Budget%20Final%20%282%29.pdf>.

<sup>43</sup> Goldwater Institute Web Site, “Omnibus Concurrent Resolution,” at <http://www.compactforamerica.org/wp-content/uploads/CFA-Text-Congressional-Omnibus-Resolution.pdf>.

### ***Compact for a Balanced Budget Amendment: An Interstate Compact under the Constitution***

The Compact for a Balanced Budget Amendment is self-identified as an interstate compact. As such, it falls under the authority of Article I, Section 10, clause 3 of the Constitution, which states that, “No State shall, without the Consent of the Congress ... enter into any Agreement or compact with another State....” This provision is known as the “Compact Clause,” and it is the only section of the United States Constitution that deals with formal agreements between and among the states. The Compact Clause reflects the view of the Framers that states should be able to work cooperatively together, as well as the concern that unchecked interstate alliances might threaten the harmony of the Union or the authority vested by the Constitution in the federal government.<sup>44</sup> The compact clause was originally included in the Constitution primarily to govern boundary agreements between states, but it has subsequently evolved “as an instrument for state cooperation in carrying out affirmative programs for common problems.”<sup>45</sup>

The Constitution places no limits on what might be done through an interstate compact other than the requirement of congressional consent. In the early years of government under the Constitution, they were used almost exclusively to settle boundary disputes. Beginning with the establishment of the Port of New York Authority<sup>46</sup> in 1921, however, compacts began to be used to address more complex, regional issues requiring intergovernmental cooperation. Some compacts are merely advisory in form, but others may be regulatory, with significant powers granted to multi-state commissions.<sup>47</sup> More recently, compacts have addressed such wide-ranging concerns as mental health treatment, law enforcement and crime control, education, driver licensing and enforcement, environmental conservation, energy, nuclear waste control, facilities operations, transportation, economic development, insurance regulation, placement of children and juveniles, disaster assistance, and pollution control. There are approximately 200 interstate compacts in effect today.<sup>48</sup>

Even though the Compact Clause specifically provides for congressional consent, the United States Supreme Court declined, in 1893, in *Virginia v. Tennessee*,<sup>49</sup> to read the consent requirement literally, so as to apply to each and every agreement between states. “There are many matters upon which different States may agree that can in no respect concern the United States,” such as joint actions between states to fight disease.<sup>50</sup> Thus the Court held that the Framers

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<sup>44</sup> Michael L. Buenger and Richard L. Masters, “The Interstate Compact on Adult Offender Supervision: Using Old Tools to Solve New Problems,” *Roger Williams Law Review*, v. 9, issue 1, fall 2003, pp.71, 85.

<sup>45</sup> U.S. Constitution Annotated, Article I, Section 10, clause 3 at <http://www.crs.gov/conan/default.aspx?mode=topic&doc=Article01.xml&t=3|2&s=10&c=3>.

<sup>46</sup> 1921 N.Y. Laws Ch. 154; N.J. Laws Ch. 151; 42 Stat 174 (1921).

<sup>47</sup> Administrators under compacts with congressional compacts with congressional consent may have the power to promulgate rules and regulations, and may also review federal agency action under certain circumstances. See *Seattle Master Builders Assn. v. Pacific Northwest Elec. Power*, 786 F.2d 1359, 1362 (9<sup>th</sup> Cir. 1986).

<sup>48</sup> The Council of State Governments, National Center for Interstate Compacts (NCIC), at <http://www.csg.org/programs/ncic/default.aspx>. The NCIC website includes a database of current interstate compacts searchable by state, name of compact, and subject.

<sup>49</sup> 148 U.S. 503 (1893). It may also be noted that this case involved a boundary agreement between Virginia and Tennessee early in the 19<sup>th</sup> century that had never obtained formal congressional consent. The court held that, over the years, Congress had relied upon the terms of the compact for judicial and revenue purposes and thus had impliedly consented to the interstate compact.

<sup>50</sup> *Ibid.*, 518. For an analysis of whether congressional consent may or may not be required for the proposed National (continued...)

intended this requirement to apply only to compacts “directed to the formation of any combination tending to the increase of political power in the States, which may encroach upon or interfere with the just supremacy of the United States.”<sup>51</sup> States may enter into agreements among themselves, and congressional consent will not be required, so long as the agreements do not infringe on federal interests or shift the balance of power within the federal system of government.<sup>52</sup> It should, however, be noted that the consent power of Congress is absolute. Congress can require consent to any interstate compact, and can deny consent to any interstate compact if it so chooses.<sup>53</sup>

Usually congressional consent to an interstate compact takes the form of a joint resolution or act of Congress specifying its approval of the text of the compact, adding any conditions or provisions it deems necessary, and often embodying the compact document. As with any congressional enactment, it must be signed by the President before it becomes law.<sup>54</sup> Very rarely has the President vetoed or threatened to veto consent legislation by Congress.<sup>55</sup> While congressional consent to an interstate compact is most often explicit, consent by Congress may also be implied by subsequent acts of Congress: “An inference clear and satisfactory that Congress ... intended to consent” to a compact may be sufficient.<sup>56</sup> Congress may also delegate its power to approve a compact to a federal official so long as an “intelligible principle” against which approval can be measured is apparent.<sup>57</sup>

In addition, Congress can condition its consent to require that the proposed interstate compact be changed to meet congressional criteria, or contain specific provisions.<sup>58</sup> The Supreme Court, in

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Popular Vote Compact, see Heather Green, “The National Popular Vote Compact: Horizontal Federalism and the Proper Role of Congress Under the Compact Clause,” *Chapman Law Review*, vol. 16, spring 2012, p.16.

<sup>51</sup> *Ibid.*, 519.

<sup>52</sup> See *Cuyler v. Adams*, 449 U.S. 433, 440 (1981), where the Court stated that if an agreement is not “directed to the formation of any combination tending to increase the political power of the States, which may encroach upon or interfere with the just supremacy of the United States,” it does not require congressional consent to be valid.

<sup>53</sup> This may be true even where affirmative consent is not necessary. *St. Louis & San Francisco Ry. Co. v. James*, 161 U.S. 545 (1896); *Petty v. Tennessee-Missouri Bridge Commission*, 359 U.S. 275 (1959). See also *Cuyler v. Adams*, 449 U.S. 433 (1981), where the Court deferred to Congress’s political judgment that the Interstate Agreement on Detainers was to be treated as a compact pursuant to the Compact Clause even if the Constitution did not require such treatment. Justice White noted that the “requirement that Congress approve a compact is to obtain its political judgment.” *Cuyler*, at 441, n. 8 (White, J., joined by Blackmun, J., dissenting).

<sup>54</sup> See *Metropolitan Wash. Airports Auth. v. Citizens for Abatement of Aircraft Noise*, 501 U.S. 252, 276 & n.21 (1991). “If the power is legislative, Congress must exercise it in conformity with the bicameralism and presentment requirements of Art. I, § 7.” See, also, footnote 21 of that decision, wherein Justice Stevens, concurring in the judgment, cites several provisions in the Constitution which permit Congress or a part of Congress to take some actions without complying with the bicameral and presentment requirements of Art. I, § 7. While the Justice’s list may not be all inclusive, it is noted that the Compact Clause is not included.

<sup>55</sup> In 1942, President Roosevelt vetoed the Republican River Compact, stating that it “seeks to withdraw the jurisdiction of the United States over the waters of the Republican Basin for purposes of navigation.” *Congressional Record*, v. 87, pt. 3, April 2, 1941, pp. 3285-86. He did, however, sign a later, modified version of the compact. See 57 Stat. 86. Joseph F. Zimmerman, *Interstate Cooperation: Compacts & Administrative Agreements*, 2<sup>nd</sup> ed. (Albany, NY: State University of New York Press, 2012), p. 56.

<sup>56</sup> *Virginia v. West Virginia*, 78 U.S. 39, 60 (1870). Congressional consent “is always to be implied when Congress adopts the particular act by sanctioning its objects and aiding in enforcing them . . .” *Virginia v. Tennessee*, 148 U.S. 503, 521 (1893).

<sup>57</sup> *Milk Indus. Found. v. Glickman*, 132 F.3d 1467, 1471 (D.C. Cir. 1998).

<sup>58</sup> Chief Justice Charles Evans Hughes wrote in *James v. Dravo Contracting Company*, 302 U.S. 134, 138 (1937): “It (continued...)”

*Cuyler v. Adams*, stated that, “(b)y vesting in Congress the power to grant or withhold consent, or to condition consent on the States’ compliance with specified conditions, the Framers sought to ensure that Congress would maintain ultimate supervisory power over cooperative state action that might otherwise interfere with the full and free exercise of federal authority.”<sup>59</sup>

The Interstate Compact for a Balance Budget Amendment would require congressional approval under the Compact Clause because it proposes actions that would redefine, via a constitutional amendment, Congress’s taxing and spending authority, arguably shifting the balance of power within the federal system of government. CFA’s available promotional literature does not appear to acknowledge explicitly the need for congressional approval, but Nick Dranias, the Goldwater Institute’s Constitutional Policy Director, and perhaps the best-known advocate of the Compact for America and its Compact for a Balanced Budget Amendment, has suggested as much. In one account he writes, “[t]he agreement (Compact for America) is designed to be ‘blessed’ by a counterpart congressional resolution, *which consents to the compact* (emphasis added) and completely fulfills Congress’ role in the state-initiated Article V process—from the call for the convention, to the ultimate ratification referral of the proposed amendment.”<sup>60</sup> In one of its supporting documents, CFA makes another indirect reference to the congressional approval requirement:

Moreover, because no member state may attend the convention until Congress adopts the counterpart omnibus concurrent resolution, which calls the convention in accordance with the CFA, the CFA’s safeguards will also have the status of the “Law of the United States” under current precedent interpreting the effect of Congressional approval of interstate compacts.<sup>61</sup>

If the Interstate Compact for a Balanced Budget Amendment were to be approved by Congress via a concurrent resolution without presentment to the President, it would likely be challenged as unconstitutional. As noted above, congressional approval of interstate compacts, along with any conditions attached to such approval, generally takes the form of a legislative bill, usually a joint resolution, which becomes law when signed by the President. A concurrent resolution which does not include presentment may be found by the courts to fall short of the requirement of congressional approval under the Compact Clause.<sup>62</sup>

### ***Reaction to the Compact for a Balanced Budget***

In its early announcements, Compact for America, the Compact’s sponsoring organization, initially suggested that quick approval by the 38 state legislatures required by the plan could lead to a convention and subsequent ratification of the amendment as early as July 4, 2013, due to the

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can hardly be doubted that in giving consent Congress may impose conditions.”

<sup>59</sup> *Cuyler v. Adams*, 449 U.S. 433, 439-440 (1981).

<sup>60</sup> *Constitution Daily*, “Fulfilling the Promise of Article V with an Interstate Compact,” December 6, 2013, at <http://blog.constitutioncenter.org/2013/12/fulfilling-the-promise-of-article-v-with-an-interstate-compact/>.

<sup>61</sup> Nick Dranias, “Legal Brief: The Compact for America’s Laser-Focused Article V Convention is Clearly Constitutional,” Compact for America, February 22, 2013, at <http://www.compactforamerica.org/legal-brief-the-compact-for-americas-laser-focused-article-v-convention-is-clearly-constitutional/>.

<sup>62</sup> *Metropolitan Wash. Airports Auth. v. Citizens for Abatement of Aircraft Noise*, 501 U.S. 252, 276 (1991). See also *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983).

“prospective” ratification process embedded in the compact. The only identifiable state legislative action to date, however, appears to have been by the Rules Committee of the Arizona House of Representatives, which rejected a bill incorporating the Compact in February 2013.<sup>63</sup>

Although the Compact does not appear to have generated widespread coverage in major national newspapers, broadcast or cable media, or in academic journals, it has attracted considerable reaction, largely posted on the Internet.

Among its supporters, as noted earlier, is the Goldwater Institute, which sponsored CFA, the organization that developed the Compact. In addition, the Board of Directors of the American Legislative Exchange Council, ALEC, approved a resolution offering the Compact as model legislation in January 2013.<sup>64</sup> Cato Institute<sup>65</sup> senior fellow in constitutional studies Ilya Shapiro also declared his support in a Cato blog posting in which the author asserted that “the Compact for America would powerfully check and balance Washington’s debt addicts.”<sup>66</sup> In its literature, Compact for America also lists a number of Members of Congress and other public figures who support the Compact for a Balanced Budget Amendment.<sup>67</sup>

Other organizations have criticized the Compact, however. The conservative John Birch Society, which opposes an Article V Convention on the grounds that a runaway convention could damage the Constitution, also opposes the Compact for a Balanced Budget Amendment on the same grounds. In addition, the society’s journal, *The New American*, asserted the CFA’s balanced budget amendment would “grant the President new, sweeping authority over the budget-making process. Furthermore, giving the President the right to ‘designate’ any spending request is tantamount to giving him the power to rewrite laws passed by Congress, which would amount to rewriting both Articles I and II of the Constitution.”<sup>68</sup> Bill Walker, co-founder of Friends of the Article V Convention, and one of the earliest contemporary supporters of the convention concept, strongly opposed CFA on several grounds in a monograph posted on the FOAVC website. He claimed that CFA would be an improper use of the interstate compact device, since it seeks effectively to circumvent the amendment process as established in Article V and would adversely impact the balance of power among the various branches built into the Constitution. He further criticized the proposal on the grounds that by reducing the convention to a “turn-key” process, it would reduce what the founders envisioned as a deliberative effort to a clockwork series of events with pre-ordained outcomes. In his critique, he asserted that the Compact would ignore the founders’ vision of the Article V Convention as a deliberative assembly, that debate and amendment in the convention would be prohibited, that Congress would be deprived of any

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<sup>63</sup> “Compact for America Dies, Legality Questioned,” *Arizona Daily Independent*, February 20, 2013, at <http://www.arizonadailyindependent.com/2013/02/20/compact-for-america-dies-legality-questioned/>.

<sup>64</sup> <http://www.alec.org/model-legislation/resolution-to-effectuate-the-compact-for-america/>.

<sup>65</sup> The Cato Institute, based in Washington, describes itself as a “public policy research organization—a think tank—dedicated to the principles of individual liberty, limited government, free markets and peace.” See <http://www.cato.org/about>.

<sup>66</sup> Ilya Shapiro, “A Compact for America to Reign in Government,” Cato Institute, *At Liberty*, January 4, 2103, at <http://www.cato.org/blog/compact-america-rein-government>.

<sup>67</sup> “Compact for America’s ‘Article V 2.0’ Turn-Key Approach is Our Best Shot,” Compact for America website, at <http://goldwaterinstitute.org/sites/default/files/CFA-Fact%20Sheet%20Turn%20Key%20Article%20V%20Approach%20to%20Reforming%20Washington.pdf>.

<sup>68</sup> Joe Wolverton, II, “How the Compact for America Threatens the Constitution,” *The New American*, January 10, 2013, at <http://www.thenewamerican.com/usnews/constitution/item/14109-how-the-compact-for-america-threatens-the-constitution>.

discretion with respect to proposing the amendment, and the states would be locked in to a prospective ratification without the chance for debate or reconsideration.<sup>69</sup>

From the standpoint of Congress and its role in the Article V Convention process, the Compact presents certain issues for consideration. First, its literature appears to presume congressional approval of the interstate compact providing for a Balanced Budget Amendment via a concurrent resolution. As noted previously, however, a concurrent resolution which does not include presentment to the President may be found by the courts to fall short of the congressional approval requirement of Article I, Section 10, clause 1 of the Constitution. Second, by approving the resolution, Congress would presumably agree to its “turn-key” design, effectively waiving any claim to further authority for setting the convention’s mandate, form, or procedures; determining whether the amendment should be proposed to the states; and selecting the ratification process, that is, whether by the state legislatures or ad hoc convention, as explicitly provided in Article V. The role and responsibilities of Congress in the Article V Convention process are examined at greater length in the next section of this report.

## **The Role of Congress in the Article V Convention Process**

The state legislatures are indispensable actors in the process of proposing an Article V Convention—nothing can happen unless 34 or more apply, but Congress is equally indispensable in the process of summoning, convening, and by its own assertion, defining, one. The Constitution, with characteristic economy of phrase, simply directs that “Congress ... on the application of the Legislatures of two thirds of the several States, shall call a Convention for the proposing of Amendments....” Beyond the language of Article V, however, observers have identified subsidiary issues for consideration by Congress, of which three may arguably be most important:

- Is Congress obligated to call an Article V Convention on the receipt of sufficient state applications?
- What sort of convention does Article V authorize?
- If an Article V Convention proposes amendments, does Congress have any discretion as to whether they must be submitted to the states for consideration?

### **Is Congress Required to Call a Convention?**

The language of the Constitution is notably straightforward on Congress’s duty to call an Article V Convention: “... on the Application of the Legislatures of two thirds of the several States, [Congress] *shall* call a Convention for proposing Amendments.... (emphasis added)” The founders’ intentions seem unmistakable, and no less an authority than Alexander Hamilton wrote emphatically that, once the two-thirds threshold is met, “the Congress will be obliged ... to call a convention for proposing amendments.... The words of this article are peremptory. The Congress

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<sup>69</sup> Bill Walker, “The Diabolical Plot of ‘Compact for America’ A Blueprint for Disaster,” undated, FOAVC website at <http://www.foavc.org/reference/file48.pdf>.



‘shall call a convention.’ *Nothing in this particular is left to the discretion of that body* (emphasis added). And of consequence, all the declamation of disinclination to a change vanishes in air.”<sup>70</sup> One scholar, Russell L. Caplan, noted that, “[t]he founding generation spoke with one voice on this duty,” going on to quote the writings of John Marshall, James Iredell, John Dickinson, and James Madison in which they all asserted the obligation of Congress to call a convention once the two-thirds threshold has been passed.<sup>71</sup>

Given the founders’ stern injunctions, on what grounds could Congress decline to call a convention? Several factors concerning state applications might be used to represent state applications as defective, and therefore not valid. For instance, most constitutional scholars hold that applications proposing a specifically worded amendment are invalid. As one observer noted, “these resolutions seek to make the ‘Convention’ part of the *ratifying* (emphasis in the original) process, rather than part of the deliberative process for “proposing” constitutional amendments.... they are applications for a convention empowered solely to approve or disapprove the submission to the states of particular amendments ‘proposed’ elsewhere.”<sup>72</sup> Another reason for hesitation in calling an Article V Convention centers on the great issue of its scope — general versus limited. A further potential impediment is lack of contemporaneity, in other words, an application or applications have expired and no longer have any force. It should be noted, however, that the advocacy group, Friends of the Article V Convention, holds that state applications never expire.<sup>73</sup> Similarly, a 2010 study by the Goldwater Institute on the Article V Convention asserts that Congress’s role in the convention process is purely ministerial, or clerical:

Congress acts primarily as the legislatures’ agent. From the nature of that role it follows that Congress may not impose rules of its own on the states or on the convention. For example, it may not limit the period within which states must apply. Time limits are for principals, not agents to impose: if a state legislature believes its application to be stale, that legislature may rescind it.<sup>74</sup>

Cyril Brickfield, reporting to the House Judiciary Committee in 1957, suggested that Congress was, arguably, *not* required to summon an Article V Convention on the presentation of the requisite number of state applications: “[i]t is doubtful, however, that there is any process or machinery by which the [C]ongress could be *compelled* (emphasis added) to perform this duty.”<sup>75</sup> In support of this assertion, he cited as precedent the failure of Congress in 1920 to carry out its constitutionally mandated duty to reapportion the House of Representatives.<sup>76</sup> Congress, he noted,

<sup>70</sup> Alexander Hamilton, in *The Federalist*, Number 85, “Conclusion,” (Cambridge, MA: the Belknap Press of Harvard University Press, 1961), p. 546.

<sup>71</sup> Russell L. Caplan, *Constitutional Brinksmanship, Amending the Constitution by National Convention* (New York: Oxford University Press, 1988) pp. 115-117.

<sup>72</sup> Arthur Earl Bonfield, “Proposing Constitutional Amendments by Convention: Some Problems,” *Notre Dame Law Review*, volume, 39, 1963-1964, pp.662-663.

<sup>73</sup> Friends of the Article V Convention, “What Does Contemporaneous Mean as It Relates to Counting Applications,” available at <http://www.foavc.org/mod/resource/view.php?id=2>.

<sup>74</sup> Robert G. Natelson, *Amending the Constitution by Convention: A Complete View of the Founders’ Plan*, Goldwater Institute, Policy Report Number 241, September 16, 2010. p. 21. The Goldwater Institute is a public policy research institute, the self-identified focus of which is policy research oriented to individual rights, the free market economy and limited constitutional government.

<sup>75</sup> U.S Congress, House of Representatives, Committee on the Judiciary, *Problems Relating to a Federal Constitutional Convention*, by Cyril F. Brickfield, 85<sup>th</sup> Congress, 1<sup>st</sup> sess., Committee Print (Washington: GPO, 1957), p. 27.

<sup>76</sup> See U.S. Constitution, Article I, Section 2, clause 3, and Amendment 14, Section 2.

had the mandate to perform, but “its failure of refusal to do so apparently gives rise to no enforceable (sic) cause of action.”<sup>77</sup>

Still another option potentially available is preemption of the call for a convention. Supporters of this tactic maintain that Congress can legally respond to the applications of the states by proposing its own relevant amendment. During the 1980s campaign for a balanced budget amendment convention, the National Taxpayers’ Union asserted that the call for a convention was, “just a way of getting attention — something akin to batting a mule with a board.”<sup>78</sup> In defense of this argument, the House Judiciary Committee’s 1993 print, *Is There a Constitutional Convention in America’s Future?*, noted that during the 1980s, a number of states had forwarded conditional applications that specifically stated their applications would be canceled in the event Congress proposed a balanced budget amendment incorporating the general principles included therein.<sup>79</sup>

Ultimately, it is difficult to conceive that Congress would fail to heed the deliberate call of a substantial majority of the nation’s citizens, acting through the agency of their state legislatures, and meeting the clearly stated requirements of Article V. As Cyril Brickfield noted, in the final analysis, “[p]ublic opinion and, ultimately, the ballot box are the only realistic means by which the Congress can be persuaded to act.”<sup>80</sup> The House Judiciary Committee speculated that congressional failure to call a convention might trigger court challenges that could lead to a constitutional crisis,<sup>81</sup> but another legal scholar wrote that, “[e]ven conceding the reach of the judicial power as exercised these days, I find it difficult to believe that the Supreme Court would issue an order compelling Congress to carry out a duty which can hardly be called a simple ministerial duty, or would, in the alternative, take it upon itself to prescribe the procedures for a convention. I much prefer to rely on the integrity of Congress in carrying out a constitutional duty.”<sup>82</sup>

## What Sort of Convention Does Article V Authorize?

One of the weightiest issues Congress would face when considering an Article V Convention turns on the question of what sort of convention is contemplated by the Constitution. What did the founders envision when they drafted this clause of the Constitution? Commentators have generally suggested three alternative models for the Article V Convention: the general convention; the limited convention; and the runaway convention, actually a subset of the limited convention. A general convention would be free to consider any and all additions to the Constitution, as well as alterations to existing constitutional provisions. A limited convention would be restricted in its “call” or authorizing legislation to consideration of a single issue, or group of issues, as specified by the states in their applications. The third model is a much-cited subset of the limited convention, the runaway convention, an assembly that departs from its

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<sup>77</sup> Brickfield, *Problems Relating to a Federal Constitutional Convention*, p. 27.

<sup>78</sup> *Baltimore Evening Sun*, March 11, 1983; quoted in *Is There a Constitutional Convention in America’s Future?*, p. 13.

<sup>79</sup> *Ibid.* For additional information on conditional state applications, see CRS Report R2592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale, pp. 17-18.

<sup>80</sup> Brickfield, *Problems Relating to a Federal Constitutional Convention*, p. 28.

<sup>81</sup> *Is There a Constitutional Convention in America’s Future?*, p. 14.

<sup>82</sup> Paul G Kaupfer, “The Alternative Amendment Process: Some Observations,” *Michigan Law Review*, volume 66, issue 5, March 1967-1968 (sic), pp. 905-906.

mandate to address a wide range of issues that had supposedly been beyond its purview. Each of these alternative models has had its proponents and detractors over the years.

## **The General Convention**

Supporters of a general convention note that the language of Article V is broadly inclusive: "... on the Application of the Legislatures of two thirds of the several States, [Congress] shall call a Convention for proposing *Amendments* (emphasis added)...." They assert that the article places no limitation on the number or scope of amendments that would be within a convention's purview. Constitutional scholar Charles Black offered emphatic support of this viewpoint: "I believe that, in Article V, the words 'a Convention for proposing such amendments' mean 'a convention for proposing such amendments as that convention decides to propose.'"<sup>83</sup> In fact, he went on to assert that limited conventions would be constitutionally impermissible for the reason that no language is found in Article V that authorizes them:

It (Article V) does *not* (emphasis in the original) imply that a convention summoned for the purpose of dealing with electoral malapportionment<sup>84</sup> may kick over the traces and emit proposals dealing with other subjects. It implies something much more fundamental than that; it implies that Congress cannot be obligated, no matter how many States ask for it, to summon a convention for the limited purposed of dealing with electoral apportionment alone, and that such a convention would have no constitutional standing at all.<sup>85</sup>

Consequently, by this reasoning, the many hundreds of state applications for a convention to consider amendments on a particular subject are null and void. Moreover, Professor Black noted that state applications demanding a convention on a single issue were almost unknown in the 19<sup>th</sup> century; he described the phenomenon as "... a child of the *twentieth century* (emphasis in the original).... The twentieth century petitions, embodying this theory, are on the point of law implicitly resolved by them, nothing but self-serving declarations, assertions of their own power by the state legislatures."<sup>86</sup>

Writing at the height of debate over the 1980s campaign for an Article V Convention to consider a balanced budget amendment, former Solicitor General Walter Dellinger asserted that the Framers deliberately sought to provide a means of amending the Constitution that is insulated from excessive influence by either the state legislatures, or by Congress.<sup>87</sup> His view of the convention's authority is among the most expansive advanced by commentators on the Article V Convention:

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<sup>83</sup> Charles Black, "Amending the Constitution: A Letter to a Congressman," *Yale Law Journal*, volume 82, number 2, December 1972, p. 199.

<sup>84</sup> Professor Black was writing in the context of the Article V Convention campaign to overturn the Supreme Court decision in *Reynolds v. Simms*, 377 U.S. 553 (1964) and *Wesberry V. Sanders*, 376 U.S. 1 (1964), which extended the "one-person, one vote" requirement respectively to state legislative districts and congressional districts, ruling that the population of both jurisdictions must be substantively equal.

<sup>85</sup> Black, "Amending the Constitution: A Letter to a Congressman," p. 199.

<sup>86</sup> *Ibid.*, p. 203.

<sup>87</sup> See Walter E. Dellinger, "The Recurring Question of the 'Limited' Constitutional Convention," *Yale Law Journal*, volume 88, issue 8, July 1979, pp. 1623-1640.

... any new constitutional convention must have the authority to study, debate, and submit to the states for ratification *whatever amendments it considers appropriate* (emphasis added).<sup>88</sup>

According to his judgment, an Article V Convention must be free to pursue any issue it pleases, notwithstanding the limitations included in either state applications or the congressional summons by which it was called:

If the legislatures of thirty-four states request Congress to call a general constitutional convention, Congress has a constitutional duty to summon such a convention. If those thirty-four states recommend in their applications that the convention consider only a particular subject, Congress still must call a convention and leave to the convention the ultimate determination of the agenda and the nature of the amendments it may choose to propose.<sup>89</sup>

More recently, Michael Stokes Paulsen invoked original intent and the founders' understanding of such a gathering. Asserting that they would have considered a "convention" to be a body that enjoyed broad powers, similar to the Constitutional Convention itself, he suggests:

"Convention" had a familiar ... public meaning in 1787. It referred to a deliberative political body representing the people, as it were, "out of doors." Representatives or delegates to such a convention might well operate to some extent pursuant to "instructions" of the people thus represented, but a convention was not a pass-through or a cipher, but rather an agency — a deliberative political body."<sup>90</sup>

Perhaps the most assertive expression of the open or general convention argument centers on the doctrine of "conventional sovereignty:"

According to this theory, a convention is, in effect, a premier assembly of the people, a representative body charged by the people with the duty of framing the basic law of the land, for which purpose there devolves upon it all the power which the people themselves possess. In short, that for the particular business of amending and revising our Constitution, the convention is possessed of sovereign powers and therefore is supreme to all other Government branches or agencies."<sup>91</sup>

Another school of thought, cited by the House Judiciary Committee in a 1957 study, rejects the conventional sovereignty argument, primarily on the grounds that an Article V Convention can only be summoned subject to the conditions of the Constitution:

... those who assert the right of the Congress to bind a convention contend that the convention is, in no proper sense of the term, a sovereign. It is, they argue, but an agency employed by the people to institute or revise fundamental law. While there may be a special dignity attaching to a convention by reason of its framing fundamental law, no such dignity or power should attach which would invest it with a primacy over other branches of government having equally responsible functions.<sup>92</sup>

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<sup>88</sup> Ibid., p. 1624.

<sup>89</sup> Ibid., p. 1640.

<sup>90</sup> Michael Stokes Paulsen, "How to Count to Thirty-Four: The Constitutional Case for a Constitutional Convention," *Harvard Journal of Law and Public Policy*, volume 34, issue 3, 2011, p. 842.

<sup>91</sup> Brickfield, *Problems Relating to a Federal Constitutional Convention*, 16.

<sup>92</sup> Ibid.

Writing in *Constitutional Brinkmanship*, Russell Caplan further noted the example that contemporary state conventions called to propose constitutional amendments tended to exceed their mandates unless they had been strictly limited:

The trend toward aggrandizement of power at a convention is supported by modern experience in the states. When delegates are presented with the choice of writing a new constitution or submitting a number of amendments to the existing document, they have exhibited a desire to become part of history by framing a new constitution.<sup>93</sup>

Defenders of the general convention counter opponents by asserting that the founders included ample checks on the work of a general or unlimited convention: first, any proposed amendment or amendments would face the same requirement of approval by three-fourths of the states, and second, Congress is empowered to choose whether such amendments will be considered by the state legislatures or special-purpose ratification conventions. In the final analysis, they assert, “a convention can only *propose* (emphasis in the original) amendments, not ratify them.”<sup>94</sup> An additional check not cited in the Constitution centers on the question of whether Congress is required to propose to the states any or all amendments offered by an Article V Convention. This issue is examined at greater length later in this report.

## **The Limited Convention**

While the concept of the general convention enjoys considerable support, there are those who maintain opposing views. A broad range of constitutional scholars holds that a convention may, in fact, be limited to a specific area or areas contained in state applications, or indeed, that it *must* be so limited. A fundamental assumption of this viewpoint is that the Framers did not contemplate a wholesale or large-scale revision of the Constitution when they drafted Article V. Senator Sam Ervin, a champion of advance congressional planning for a convention, wrote that, “... there is strong evidence that what the members of the convention were concerned with ... was the power to make specific amendments.... [The] [p]rovision in article V for two exceptions to the amendment power<sup>95</sup> underlines the notion that the convention anticipated a specific amendment or amendments rather than general revision.”<sup>96</sup>

One commentator, championing the states’ authority in this question, noted that the founders’ intention in establishing the state petition device was to provide a check against a Congress that had declined to propose an amendment or amendments that commanded widespread support, suggesting that a convention limited by the subject area of state applications was constitutional, but that a convention could not be limited by Congress:

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<sup>93</sup> Caplan, *Constitutional Brinkmanship, Amending the constitution by National Convention*, p. 147.

<sup>94</sup> Michael A. Almond, “Amendment by Convention: Our Next Constitutional Crisis?” *North Carolina Law Review*, volume. 53, issue 3, February 1975, p. 507.

<sup>95</sup> These were the prohibitions against amendments restricting the slave trade before 1808, imposing a capitation tax outside the census formula previously agreed to, or depriving states of equal suffrage in the Senate.

<sup>96</sup> Sam J. Ervin, Jr., “Proposed Legislation to Implement the Convention Method of Amending the Constitution,” *Michigan Law Review*, volume 66, issue 5, March, 1967-1968 (sic), p. 882.

... Congress may not impose its will on the convention.... the purpose of the Convention Clause is to allow the States to circumvent a recalcitrant Congress. The convention Clause, therefore, must allow the States to limit a convention in order to accomplish this purpose.<sup>97</sup>

According to this view, the states should decide whether a convention would be open and general, or limited, depending on the actions of the several legislatures.

Congress, however, has historically sought to provide for limited conventions when it has considered this question. Once valid applications have been received from 34 states, it has maintained, the call for an Article V Convention must come from Congress, and Congress has the authority to limit the subject of amendments to be considered. It is at this step that Congress has asserted in the past, but not provided in legislation, its power to set limits as to the convention's agenda. This suggests a delicate balance of authority: the states are authorized to apply for a limited convention, but only Congress can guarantee, by law, that a convention so summoned will confine its recommendations to the issues within its mandate. For instance, the Senate Judiciary Committee in 1984 claimed for Congress the power both to set and enforce limits on the subject or subjects considered by a convention summoned in response to state petitions that specified the consideration of amendments in particular areas. This was stated in the committee's report on S. 119 in the 98<sup>th</sup> Congress, the "Constitutional Convention Implementation Act of 1984":

Under this legislation, it is the States themselves, operating through the Congress, which are ultimately responsible for imposing subject-matter limitations upon the Article V Convention.... the States are authorized to apply for a convention "for the purpose of proposing one or more specific amendments." Indeed, that is the only kind of convention within the scope of the present legislation, although there is no intention to preclude a call for a "general" or "unlimited" convention.<sup>98</sup>

The Goldwater Institute's 2010 study<sup>99</sup> reached similar conclusions. Examining the contemporary record at the time of the Constitutional Convention, the author asserted the founders anticipated that the Article V Convention would serve chiefly as an agent of the states. Consequently, the states could set the convention's agenda by specifying the questions it would address, and that the convention would be bound to respect the limits of its mandate.<sup>100</sup> Congress, in this viewpoint, acts to facilitate the will of the people acting through their state legislatures: if they call for a convention to consider one or more specific policy proposals, then Congress should call for an appropriately limited convention. If, however, the states petition for a general convention,<sup>101</sup> then the argument can also be made in favor of the broader-based assembly.

Assuming that Congress does possess a constitutional mandate to limit the issue or issues a convention might consider, what sort of instruction would be appropriate to this task? Past legislative proposals offer a view of the most widely favored mechanism. First, Section 6(a) of S.

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<sup>97</sup> James Kenneth Rogers, "The Other Way to Amend the Constitution: The Article V Amendment Process," *Harvard Journal of Law and Public Policy*, volume 30, issue 3, summer 2007, p. 1018.

<sup>98</sup> *Constitutional Convention Implementation Act of 1984*, 98<sup>th</sup> Cong., 2<sup>nd</sup> sess., S.Rept. 98-594, p. 25.

<sup>99</sup> Natelson, *Amending the Constitution by Convention: A Complete View of the Founders' Plan*, Goldwater Institute, Policy Report Number 241, September 16, 2010.

<sup>100</sup> Natelson, *Amending the Constitution by Convention: A Complete View of the Founders' Plan*, pp. 15-18. Available online at <http://www.goldwaterinstitute.org/article/5005>.

<sup>101</sup> Presumably, language that asked only for a "Convention for Proposing Amendments," would be interpreted as calling for a general convention.

119 (98<sup>th</sup> Congress), cited earlier, required the concurrent resolution summoning an Article V Convention to “set forth the nature of the amendment or amendments for the consideration of which the convention is called.” Section 10(b) further required that

No convention called under this Act may propose any amendment or amendments of a nature different from that stated in the concurrent resolution calling the convention. Questions arising under this subsection shall be determined solely by the Congress of the United States and its decisions shall be binding on all others, including State and Federal courts.<sup>102</sup>

Alternatively, a number of scholars suggest that while state applications are not prescriptive with respect to the issue areas a convention may address, state intentions must be given “great weight” by Congress when it calls a convention under Article V procedures. William Van Alstyne, writing in the *Duke Law Journal* in 1978 went so far as to assert that,

... [i]f two thirds of the state legislatures ... agree on the exact wording of an amendment ... this would seem to me to state the paradigm case in which Congress should proceed with the call — and limit the agenda exactly in accordance with the unequivocal expressions of those solely responsible for the event.<sup>103</sup>

## **The Runaway Convention**

Fear of a runaway Article V Convention has been a recurring theme over many decades. What, in fact, is a “runaway convention?” It is generally defined as one that was summoned to consider a limited agenda, but moved beyond its original mandate to consider policy questions and potential amendments not contemplated in the applications of the state legislatures or in the congressional summons. In 1967 hearings held on the convention issue, Theodore Sorenson, one of President John Kennedy’s principal domestic policy counselors, cautioned that, “[n]o matter how many and how sincere are the assurances from the backers of a new Convention that their sole concern is reapportionment, no one can safely assume that delegates to such a Convention, once safely seated and in action, would wish to go home without trying their hand at improving many parts of this delicately balanced document.”<sup>104</sup> It is, as another scholar noted, the subject of “age old fear.”<sup>105</sup> “Opponents suggest that a runaway convention, driven by ‘political fringe groups’ might revisit a wide range of constitutional provisions.”<sup>106</sup> Proposals to alter parts of the Bill of Rights, in particular, seem to be singled out as being the most serious challenge to the Constitution by a runaway convention.<sup>107</sup>

These concerns, have, however, been characterized as overstated and alarmist. Critics note that the viewpoint elaborated above assumes an Article V Convention would be ideologically monolithic and dominated by a disciplined coalition dedicated to the imposition of an ideologically focused agenda. The breadth of opinion and viewpoints in a nation as populous and

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<sup>102</sup> S. 119, 98<sup>th</sup> Congress, “The Constitutional Convention Implementation Act of 1984,” Section 10(b).

<sup>103</sup> See William W. Van Alstyne, “Does Article V Restrict the States to Calling Unlimited Conventions Only? — A Letter to a Colleague,” *Duke Law Journal*, volume 1978 (sic), issue 6, pp. 1295-1306.

<sup>104</sup> Quoted in Caplan, *Constitutional Brinkmanship*, pp. 146, 146.

<sup>105</sup> Almond, “Amendment by Convention: Our Next Constitutional Crisis?” p. 504.

<sup>106</sup> James M. LeMunyon, “A Constitutional Convention Can Rein in Washington,” *Wall Street Journal*, March 31, 2010, available at <http://online.wsj.com/article/SB10001424052702304370304575152231710551888.html>.

<sup>107</sup> U.S. Congress, Senate, Committee on the Judiciary, *Constitutional Convention Implementation Act of 1984*, 98<sup>th</sup> Cong., 2<sup>nd</sup> sess., S.Rept. 98-594 (Washington: GPO, 1984), p. 29.



diverse as the United States arguably makes this prospect questionable, however, not to mention the element of time that would inevitably pass during and between the various stages of the Article V Convention process. Justice Joseph Story cast doubt on the runaway convention theory on these grounds as early as 1833:

Time is thus allowed, and ample time, for deliberation, both in proposing and ratifying amendments. They cannot be carried by surprise, or intrigue, or artifice. Indeed, years may elapse before a deliberate judgment may be passed upon them, unless some pressing emergency calls for instant action.<sup>108</sup>

In its 1984 report on S. 119 (98<sup>th</sup> Congress), the “Constitutional Convention Implementation Act,” the Senate Judiciary Committee argued that any Article V Convention would be more like Congress: broad, inclusive, and essentially moderate. Here, the report echoed Madison’s assurance that the “size and variety” of the nation serve as a deterrent to “faction.”<sup>109</sup> Finally, the report noted that the founders did not provide unchecked power to the Article V Convention: every amendment proposed would be subject to the same stringent conditions faced by amendments proposed by Congress: “... the notion of a ‘runaway’ convention, succeeding in amending the Constitution in a manner opposed by the American people, is not merely remote, it is impossible.”<sup>110</sup> To this judgment may be added the fact that even a runaway convention’s proposed amendment or amendments would be subject to approval by the legislatures or conventions of three-fourths of the states before being incorporated as part of the Constitution.

### **An Article V Convention Limited to the Consideration of a Specifically Worded Amendment?—H.J.Res. 57 in the 112<sup>th</sup> Congress**

One point on which most observers appear to agree is that an Article V Convention, either limited or general, could not be restricted to consider a specific amendment. During the 1980s campaign for a convention to consider a balanced budget amendment, a number of state legislatures proposed specific amendment language. Some would have accepted a “substantially similar” amendment, while others attempted to limit the convention solely to consideration of their particular amendments. In its 1993 study, the House Judiciary Committee indicated the former might be qualified, but:

... an application requesting an up-or-down vote on a specifically worded amendment cannot be considered valid. Such an approach robs the Convention of its deliberative function which is inherent in article V language stating that the Convention’s purpose is to “propose amendments.” If the State legislatures were permitted to propose the exact wording of an amendment and stipulate that the language not be altered, the Convention would be deprived of this function and would become instead part of the ratification process.<sup>111</sup>

Walter Dellinger has further argued that exact language proposals “short-circuit” the checks and balances built into Article V by the founders. According to his interpretation, they intended to

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<sup>108</sup> Joseph Story, *Commentaries on the Constitution of the United States*, (Boston: Hilliard, Gray and Co., 1833) ss. 1824, volume 3, p. 688. Quoted in *The Founders’ Constitution*, Web Edition, available online at <http://press-pubs.uchicago.edu/founders/documents/a5s12.html>.

<sup>109</sup> James Madison in *The Federalist*, Number 10, “The Size and Variety of the Union as a Check on Faction,” pp. 129-136.

<sup>110</sup> *Constitutional Convention Implementation Act of 1984*, 98<sup>th</sup> Cong., 2<sup>nd</sup> sess. S.Rept. 98-594, p. 29.

<sup>111</sup> *Is There a Constitutional Convention in America’s Future?* p. 6.

provide sub-federal communities, embodied in the states, the authority to propose a convention to consider amendments, but deliberately refrained from giving the state legislatures the power to determine the exact text of the amendments to be proposed.<sup>112</sup>

The general acceptance of this interpretation is highlighted by the fact that a constitutional amendment has been introduced in the 112<sup>th</sup> Congress to require Congress, on the application of two thirds of the states, to call a convention to consider a specifically worded amendment proposed by the states. The convention's sole function would be "to decide whether to propose that specific amendment to the States..."<sup>113</sup> H.J.Res. 57 would eliminate some of the uncertainties concerning scope and format both of state applications, and of the convention itself, noted earlier in this report. It would definitively settle discussion over the constitutionality of proposing a convention to consider a specific amendment by empowering the states to do so. An asserted collateral advantage is that a convention summoned pursuant to the provisions of H.J.Res. 57 would be authorized to consider *only* the amendment in question, apparently eliminating the prospect of a runaway convention. A final point: since it makes no reference to repeal of existing arrangements, the amendment would arguably supplement, rather than supersede, current language concerning amendments proposed by an Article V Convention, in effect offering a second option for the states in the Article V process. As of August 2012, H.J.Res. 57 had been referred to the Subcommittee on the Constitution of the House Judiciary Committee, but no further action had been taken.

It may be noted that H.J.Res. 57 is a version of a proposal known as "the Madison Amendment," initially offered by the Madison Amendment Coalition, an ad hoc advocacy group established in 2010.<sup>114</sup> At the time of this writing, two organizations have endorsed the general concept: a task force of the American Legislative Exchange Council, identified earlier in this report as an organization of state legislators and other interested persons supporting "free markets, limited government, federalism, and individual liberty,"<sup>115</sup> and the National Taxpayers Union, an advocacy group promoting "lower taxes and smaller government at all levels."<sup>116</sup>

In the final analysis, the question "what sort of convention?" is not likely to be resolved unless or until the 34-state threshold has been crossed and a convention assembles. An estimate of the outcome of this process might well be based on the application process itself. It seems fair to assume that a convention summoned to consider a balanced budget, for instance, would confine itself to that issue. It is possible, as surmised by various observers over the years, that a convention could be "hijacked" by agenda-driven factions,<sup>117</sup> but it seems more likely that it would reflect James Madison's judgment in *The Federalist*, that the size and variety of the convention, as with that of the Union, would serve as a check to faction<sup>118</sup> Ultimately, an Article

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<sup>112</sup> Dellinger, "The Recurring Question of the 'Limited' Constitutional Convention," p. 1632.

<sup>113</sup> H.J.Res. 57, 112<sup>th</sup> Congress, introduced on May 10, 2011, by Representatives John Culberson and Henry Cuellar.

<sup>114</sup> See "The Madison Amendment," available at <http://www.madisonamendment.org/index.html>.

<sup>115</sup> American Legislative Exchange Council website, available at <http://www.alec.org/AM/Template.cfm?Section=About>.

<sup>116</sup> "Leading Advocacy Group for Constitutional Federal Budget Reform Backs 'Madison Amendment' to Give States' Greater Say," National Taxpayers Union website, available at <http://www.ntu.org/news-and-issues/government-reform/madison-amendment.html>.

<sup>117</sup> LeMunyon, "A Constitutional Convention Can Rein In Washington," *Wall Street Journal*, March 31, 2010.

<sup>118</sup> James Madison, in *The Federalist*, Number 10, "The Size and Variety of the Union as a Check on Faction," pp. 129-136.

V Convention's proposals would be subject to the checks and balances written into the Constitution, which will be examined later in this report.

## **Is Congress Required to Propose Ratification of Amendments Approved by a Convention?**

Once an Article V Convention has drafted and approved a constitutional amendment or amendments, the next step in the ratification process is their proposal by Congress to the states for consideration and approval. The fact that Congress is authorized in Article V to designate whether amendments will be considered in the states by ad hoc conventions or by the state legislatures arguably suggests that amendments *must* be transmitted by Congress in order for the ratification process to begin. The larger question is whether Congress is *required* to propose amendments adopted by an Article V Convention to the states. The range of opinion on this issue is predictably broad.

As noted earlier in this report, Congress gave active consideration to the Article V Convention process from the 1970s through the 1990s. During this period, a number of bills were introduced that sought to establish procedures in the event state petitions reached the two-thirds constitutional threshold. In most of these proposals, Congress reserved the right to decide whether an amendment or amendments proposed by an Article V Convention should be circulated to the states for approval and ratification. This assertion of authority rests on the assumption that Article V envisions only a limited convention, called in response to state applications dealing with a particular issue, for example, state legislative reapportionment in the 1960s, or the balanced budget amendment in the 1970s and 1980s. The report to accompany S. 119 in the 98<sup>th</sup> Congress stated explicitly that

... the convention is without authority to propose any amendment or amendments of a subject matter different than that set forth in the concurrent resolutions calling the convention.... In other words, the convention, although a sovereign body, is subject to the limitations of its constitutional charter — the concurrent resolution by Congress — which itself merely reflects the intent of two-thirds of the States in applying for a convention in the first place.<sup>119</sup>

The mechanism provided in S. 119, as in nearly all bills, was a concurrent resolution which stated that Congress would not submit the amendment or amendments in question to the states because the subject matter differed from the issue or question which the convention had been called to address.

Senator Sam Ervin, Jr., a champion of constitutional convention procedures legislation, defended Congress's assertion of authority to propose or withhold Article V Convention amendments from the ratification process, but he also favored that Congress be prohibited expressly from refusing to circulate an amendment "because of doubts about the merits of its substantive provisions."<sup>120</sup> He asserted that "unlimited power in the Congress to refuse to submit proposed amendments for ratification would destroy the independence of the second alternative amending process." Moreover, most later versions of the proposed convention procedures recognized this point by authorizing the states to bring legal action, often in the Supreme Court, if Congress failed to act in

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<sup>119</sup> *Constitutional Convention Implementation Act of 1984*, 98<sup>th</sup> Cong., 2<sup>nd</sup> sess. S.Rept. 98-594, pp. 40-41.

<sup>120</sup> Ervin, "Proposed Legislation to Implement the Convention Method of Amending the Constitution," p. 894.

calling a convention, or failed to propose a convention's amendments by a certain deadline, most commonly 30 days.<sup>121</sup>

The Goldwater Institute's 2010 study, focusing particularly on the role of the states in the process, found that Congress must propose the amendments approved by an Article V Convention to the states, but that the amendments must fall within the convention's mandate:

Because the convention for proposing amendments is the state legislatures' fiduciary, it must follow the instructions of its principals — that is, limit itself to the agenda, if any, that states specify in their applications.... If the convention does propose amendments, Congress must send on to the states *those within the convention's call* (emphasis added).<sup>122</sup>

It is worth noting that the Goldwater Institute study offers a potential solution to this difficult question: the report suggests that an Article V Convention wishing to offer proposals outside the scope of its mandate could make additional policy recommendations, but not in the form of constitutional amendments.<sup>123</sup> While these instruments would not enjoy the same constitutional status as amendments proposed by the convention, they would arguably be accorded considerable attention in Congress, the states, and the policy arena at large, and might serve as the foundation for a national debate on the questions they address.

Conversely, a substantial range of constitutional commentators holds that Congress is ultimately obliged to propose any and all amendments approved by an Article V Convention to the states. Writing in the late 1960s, when the campaign to overturn the Supreme Court's decision on state legislative apportionment<sup>124</sup> seemed poised to cross the 34-state threshold, Morris Forkosch asserted:

Congress has its own independent machinery to propose amendments in the first alternative, and to give Congress the power to review the proposals necessarily deprives the second alternative of its independence. As a result, Congress would become supreme, and Article V would automatically read that "The Congress ... call a[n advisory] Convention for proposing Amendments [to it]...." This would be an adoption of the very system rejected by the 1787 Convention.<sup>125</sup>

Professor Gerald Gunther similarly asserted that a congressional claim of veto power over amendments proposed by an Article V Convention directly contravened the founders' intent:

In my view, the text, history and structure of Article V make a congressional claim to play a substantial role in setting the agenda of the convention highly questionable. If the state-initiated method for amending the constitution was designed for anything, it was designed to *minimize* (emphasis in original) the role of Congress. Congress was given only two ... extremely narrow responsibilities. First Congress must call the convention when thirty-four valid applications are at hand (and it is of course a necessary part of that task to consider the

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<sup>121</sup> See, for instance, Section 15, S. 119, 98<sup>th</sup> Congress, Constitutional Convention Implementation Act of 1984 or Section 11(c), S. 214, 102<sup>nd</sup> Congress, Constitutional Convention Implementation Act of 1991.

<sup>122</sup> Natelson, *Amending the Constitution by Convention: A Complete View of the Founders' Plan*, p. 24.

<sup>123</sup> *Ibid.*, p. 25.

<sup>124</sup> See under "State Legislative Apportionment, 1964-1969" in CRS Report R42592, *The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress*, by Thomas H. Neale.

<sup>125</sup> Morris D. Forkosch, "The Alternative Amending Clause in Article V: Reflections and Suggestions," *Minnesota Law Review*, volume 51, issue 6, 1966-1967, p. 1079.

validity of the applications and set up the machinery for convening the convention). Second, Congress has the responsibility for choosing a method of ratification once the convention submits its proposals. I am convinced that is all that Congress can properly do.<sup>126</sup>

He went on to suggest that any effort by Congress to “veto” an amendment proposed by an Article V Convention might prove to be unsustainable. Its delegates, he asserted, might not go quietly, arguing instead that they acted with justification, despite efforts to restrict their mandate, and that a refusal by Congress to propose an amendment to the states thwarted “the opportunity of the people to be heard through the ratification process.”<sup>127</sup> Ultimately, Congress might be faced with an embarrassing political dilemma:

... might not Congress find it impolitic to refuse to submit the convention’s proposals to ratification? I suggest that it is not at all inconceivable that Congress, despite its initial belief that it could impose limits, and despite its effort to impose such limits, would ultimately find it to be the course of least resistance to submit all of the proposals emanating from a convention ... to the ratification process, where the people would have another say.<sup>128</sup>

Ultimately, the question of whether Congress can refuse to propose an amendment may also depend on one of the issues addressed above: what manner of convention does Article V authorize? If only a limited convention is permissible, then Congress could argue strongly that it would be within its rights to refuse proposing an amendment that addressed an issue beyond the convention’s mandate. If Article V were interpreted to include a general convention, either as authorized in its call, or a convention that addresses issues beyond those cited in the applications that led to its call, then Congress would arguably have less standing to assert its role as judge of validity of Article V Convention proposals.

## **Additional Issues for Congress**

Beyond the three fundamental questions examined above — the mandate of the Article V Convention and the authority of Congress both in calling such a convention and proposing amendments emerging from its deliberations to the states — the process presents a range of other issues for consideration by Congress.

### **A Role for the President?**

Perhaps one of the most obvious subsidiary questions surrounding the Article V Convention process is, “what is the President’s role?” The immediate answer is that the Constitution clearly designates Congress as the sole agent in federal aspects of the process—by contrast, neither the President, nor the executive branch and the judiciary, are mentioned in Article V.

One point of view, noting the language of the article, maintains that the chief executive would not have a role in the Article V Convention process. The Senate Judiciary Committee’s 1971 report on S. 215, the proposed Federal Constitutional Procedures Act, in the 92<sup>nd</sup> Congress, noted simply that “[i]nasmuch as the function of Congress is simply to operate the machinery to effectuate the

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<sup>126</sup> Gerald Gunther, “The Convention Method of Amending the United States Constitution,” *Georgia Law Review*, volume 14, number 1, fall 1979, p. 23.

<sup>127</sup> *Ibid.*, p. 9.

<sup>128</sup> *Ibid.*, pp. 9-10.

actions of the States and the convention, there is no proper place for a Presidential role.”<sup>129</sup> Moreover, the committee went on to assert that the appropriate device for proposing an Article V Convention Amendment proposed in the bill was a concurrent resolution, a legislative vehicle that, by tradition, is not sent to the President for his approval.<sup>130</sup> Thirteen years later, without explicitly excluding the President, the same committee made what arguably was a broader claim of congressional authority over the Article V Convention process in its report on S. 119, the Constitutional Convention Implementation Act of 1984, 98<sup>th</sup> Congress:

Although there is no explicit statement to this effect in Article V, there can be little doubt that the Congress is possessed with the authority to issue legislation on the subject matter of the “Constitutional Convention Implementation Act.” Article V states in relevant part that, “The Congress ... on Application of the Legislatures of two thirds of the several states shall call a Convention for proposing Amendments.” Congress’ explicit authority under this provision is to “call” the convention. The powers invested in Congress under S. 119 are entirely a function of this responsibility, authorized under the “necessary and proper” clause of Article I, section 8, clause 18.<sup>131</sup>

In its 1974 study, the American Bar Association cast further doubt on a role for the President in the Article V Convention. The study argued that presidential approval would impose an additional requirement in the process, and that the potential of a presidential veto of a convention call would attach a de facto super-majority requirement not contemplated by the founders.<sup>132</sup> The report found that, under these circumstances, “the parallelism between the two initiating methods would be altered, in a manner that could only thwart the intended purpose of the convention process as an ‘equal’ method of initiating amendments.”<sup>133</sup>

Some observers argue, however, that the President should have a role in certain aspects of the process. The President’s constitutional authority to approve legislation is cited in support of this assertion:

Every Order Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him....<sup>134</sup>

Proponents maintain that the President’s authority to approve or disapprove legislation — his veto power — as provided in Article I, clause 7, would extend to a congressional call for an Article V Constitutional Convention, notwithstanding the choice of legislative vehicle. In more than 40 constitutional convention procedures bills introduced from the 1970s through the 1990s, a concurrent resolution, which does not permit presidential approval, was designated as the approved vehicle for a call for an Article V Convention. Constitutional scholar Charles Black emphatically rejected this choice, asserting that the call for a convention was too important not to come under the President’s purview:

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<sup>129</sup> U.S. Congress, Senate, Committee on the Judiciary, *Federal Constitutional Procedures Act*, report to accompany S. 215, Report No. 92-336, 92<sup>nd</sup> Cong., 1<sup>st</sup> sess. (Washington: 1971), p. 12.

<sup>130</sup> *Ibid.*

<sup>131</sup> *Constitutional Convention Implementation Act of 1984*, 98<sup>th</sup> Cong., 2<sup>nd</sup> sess. S.Rept. 98-594, p. 21.

<sup>132</sup> American Bar Association, *Amendment of the Constitution by the Convention Method Under Article V*, p. 27.

<sup>133</sup> *Ibid.*, p. 28.

<sup>134</sup> U.S. Constitution, Article I, Section 7, clause 3.

... a convention call would have the force of law — significant, vital law, comparable to a law establishing any other body with power to act. (As a contrasting example, S.J. Res. 197 [in the 92<sup>nd</sup> Congress], setting up an arbitration board ... went to the President.... What possible reason could there be for not following this procedure as to the setting up of a constitutional convention, more important by several orders of magnitude than an arbitration board? Can it be thought that Article I, Section 7, can be evaded by mere *nomenclature* [emphasis in the original] — by merely calling something a “Concurrent” rather than a “Joint” Resolution?<sup>135</sup>

Supporters of the President’s role in the Article V Convention process also note that the legislative models offered by constitutional convention procedures bills in the past were more than simple “calls” for a convention. They prescribed a form and procedures for a convention, authorized use of federal resources and facilities, and provided for public funding of convention expenses. As Arthur Bonfield noted,

... Congress must necessarily make more than a mere call for a convention. Such a call would be meaningless without the inclusion of the specific terms upon which such a body is to be constituted, organized, and conducted. These terms to be spelled out by Congress would appear similar to the general kinds of legislation with which Congress normally deals. Consequently, no reason of logic dictates its different treatment in respect to the need for Presidential approval.<sup>136</sup>

From the standpoint of the broader national welfare, the same author noted that as the President is the only federal official elected and responsible to the American people as a whole, “[h]is participation in this process that would intimately affect all Americans and our nation as a whole seems, therefore, especially proper and natural.”<sup>137</sup>

The House Judiciary Committee’s 1993 study identified a potential alternative, noting that a call for an Article V Convention and the legislation carrying the call into effect need not be part of the same vehicle. This suggests a two-step process in which Congress could, on its own authority, pass a concurrent resolution summoning the convention, while additional arrangements implementing the convention call could be contained in a law-making measure, subject to presidential approval.<sup>138</sup>

Moving beyond the convention call to the actual proposal of amendments passed by an Article V Convention, most observers maintain that, as with the method of congressional proposal, the President would not be a part of the process. In this instance, it is asserted that the Supreme Court’s ruling in *Hollingsworth v. Virginia* that the President’s signature was not necessary when Congress proposed amendments to the states would arguably apply to those offered by a convention.<sup>139</sup>

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<sup>135</sup> Black, “A Letter to a Congressman,” p. 208.

<sup>136</sup> Bonfield, “Proposing Constitutional Amendments by Convention: Some Problems,” p. 675.

<sup>137</sup> Arthur Earl Bonfield, “The Dirksen Amendment and the Article V Convention Process,” *Michigan Law Review*, volume 66, 1967-68, p. 986.

<sup>138</sup> *Is There a Constitutional Convention in America’s Future*, p. 14.

<sup>139</sup> See above at footnote 12.

## **“Checks and Balances” in the Article V Amendment Process**

As noted above, the work of an Article V Convention, once proposed, would be subject to various checks and balances, including congressional authority to designate ratification by ad hoc conventions or state legislatures and the requirement that all amendments proposed must be ratified by three-fourths of the states. In addition, for nearly the past century, Congress has also required that amendments be ratified by the states within a seven-year time limit.

### ***Congressional Authority to Propose Ratification by Convention or Legislature***

Article V states explicitly that amendments “shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by Congress.” For amendments proposed by Congress, the convention alternative has been provided only for the 21<sup>st</sup> Amendment, which repealed the 18<sup>th</sup> Amendment, and with it, prohibition. All other amendments were sent to the state legislatures for ratification.

The alternative of ratification by state conventions or legislatures at the discretion of Congress was introduced by James Madison at the Philadelphia Convention and was adopted by a wide margin; beyond that, however, the reasoning of the founders is unclear. In their earlier discussion on how the Constitution itself was to be adopted, the delegates indicated that ratification by ad hoc conventions, on which they ultimately settled, would be more democratic and more reflective of the public will than by state legislatures. State legislatures, it was assumed, would be less open to change, and more interested in preserving the status quo.<sup>140</sup> This understanding evidently motivated the framers of the 21<sup>st</sup> Amendment, which effectively ended prohibition; according to one source, pro-repeal Members “favored this mode of ratification because they believed that they clearly had popular sentiment on their side, and furthermore, they distrusted the response to the issue of rural-dominated state legislatures.”<sup>141</sup> One commentator observed that “[t]he convention, therefore, is the only mechanism of ratification which assures the expression of the people.... it seems apparent, however, that the convention mode will be used only when there is a powerful public opinion in its favor.”<sup>142</sup> A contrary view was expressed by another scholar, who suggested that since amendments have been proposed by a convention, Congress should choose the state legislatures to ratify them, on the grounds that

... there should be two different bodies, one to check on the other; the different sets of delegates to the Convention and to the state’s legislature may and should produce different reasons and arguments for so amending the Constitution.<sup>143</sup>

Thus the Constitution, in this seemingly minor delegation of authority, arguably endows Congress with a powerful check to the work of an Article V Convention.<sup>144</sup>

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<sup>140</sup> Philip L. Martin, “Convention Ratification of Federal Constitutional Amendments,” *Political Science Quarterly*, volume LXXXII, no. 1, March, 1967, pp. 61-71.

<sup>141</sup> Grimes, *Democracy and the Amendments to the Constitution*, p. 110.

<sup>142</sup> Martin, “Convention Ratification of Federal Constitutional Amendments,” p. 71.

<sup>143</sup> Forkosch, “The Alternative Amending Clause in Article V: Reflections and Suggestions,” pp. 1079-1080.

<sup>144</sup> “Congress has *complete freedom of choice* between the two methods of ratification recognized by Article V — by the legislatures of the States, or by conventions in the States (emphasis added).” U.S. Congress, *The Constitution of the United States of America, Analysis and Interpretation* (Washington: GPO, 2004), p. 952. Available at (continued...)



### ***Approval by Three-fourths of the States Required for Ratification***

A second constitutional check on amendments proposed by an Article V Convention also applies equally to those proposed by Congress: they must be ratified by a supermajority of three-fourths of the states. Here again, the founders' intentions are clear. As James Madison wrote in *The Federalist*:

That useful alterations will be suggested by experience could not but be foreseen. It was requisite, therefore, that a mode for introducing them be provided. The mode preferred by the convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility, which would render the Constitution too mutable; and that extreme difficulty which might perpetuate its discovered faults.<sup>145</sup>

Amendments to the Constitution, whether proposed by Congress or an Article V Convention, were thus intended by the founders to reflect the measured and deliberate opinion of the nation. Their purposeful selection of the most stringent super-majority requirement provided in the Constitution strongly suggests the founders' sense of the gravity that applies to the amendment process.

### ***Ratification Within Seven Years of Proposal***

As noted earlier in this report, for the 18<sup>th</sup>, 20<sup>th</sup>, and all subsequent amendments, Congress has set a time limit of seven years for ratification. This standard is not found in the Constitution, but it has been confirmed by the Supreme Court in its 1921 ruling in *Dillon v. Gloss*.<sup>146</sup> In this case, the Court, "finding no express provision in Article V," authorizing the deadline nonetheless thought it was "reasonably implied" therein "that the ratification must be within some reasonable time after the proposal."<sup>147</sup> Notwithstanding this long tradition, a ratification deadline is not required by the Constitution, and it is possible that an Article V Convention might choose not to include one for any amendments it might propose.

This leads to a subsequent question: would Congress have the authority to attach a ratification deadline by including one in the concurrent resolution by which it transmits to the states an amendment or amendments proposed by an Article V Convention? Proponents might well argue that historic precedent suggests Congress does have this power, based on contemporary practice of including the ratification deadline in the resolution proposing amendments, rather than in the body of the amendments themselves. For instance, while the 18<sup>th</sup>, 20<sup>th</sup>, and all subsequent amendments have included a seven-year sunset provision for the ratification process, since the proposal of the 23<sup>rd</sup> Amendment, the time limit has been included *not* in the body of the amendment itself, but in the authorizing or "resolving" language found in the resolution proposing the amendment.<sup>148</sup> The argument here is that since Congress would use a concurrent

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(...continued)

<http://www.gpo.gov/fdsys/pkg/GPO-CONAN-2002/pdf/GPO-CONAN-2002-8-6.pdf>.

<sup>145</sup> James Madison, in *The Federalist*, Number 43, "Powers Delegated to the General Government: III," p. 315.

<sup>146</sup> 256 U.S. 368 375 (1921).

<sup>147</sup> *The United States Constitution, Analysis and Interpretation*, p. 950, Available at <http://www.gpo.gov/fdsys/pkg/GPO-CONAN-2002/pdf/GPO-CONAN-2002-8-6.pdf>.

<sup>148</sup> For instance, in the 18<sup>th</sup> Amendment, Section 3 of the amendment itself preserves the ratification deadline. By comparison, the 26<sup>th</sup> Amendment (setting the voting age at 18) included the deadline in the resolving clause or preamble of the joint resolution (S.J.Res. 7, 92<sup>nd</sup> Congress) that proposed the amendment.

resolution to propose an amendment drafted by an Article V Convention (as envisioned in the various convention procedures acts discussed earlier in this report), it would also have the authority to include the traditional seven-year deadline in the resolving language of the resolution.

### **Details of the Article V Convention Process — Is Congress a Clerk or the Guardian?**

Article V's barebones provisions provide little guidance on the role of Congress in the Article V Convention process. As noted earlier, the minimalist interpretation would assign a purely ministerial or clerical role to Congress: it should call a convention; impose minimal requirements on the convention as to its form, procedures, and agenda; and should refer whatever amendment or amendments are proposed by the convention to the states in timely fashion. In other words, call the convention, and then stand aside. There is, in fact, justification for this course of action from the pens of the founders themselves; as noted earlier, Alexander Hamilton explained the Article V Convention process in unmistakable terms:

By the fifth article of the plan, the Congress will be obliged ... to call a convention for proposing amendments.... *The words of this article are peremptory. The Congress "shall call a convention."* *Nothing in this particular is left to the discretion of that body* (emphasis added).<sup>149</sup>

This point of view is held in varying degrees by proponents of the Article V Convention. The Goldwater Institute's 2010 study summarized it as follows:

The ministerial nature of congressional duties and the requirement that it call a convention at the behest of two-thirds of the state legislatures supports the conclusion in the previous section that in the state application-and-convention process, Congress acts primarily as the legislatures' agent. From the nature of that role, it follows that Congress may not impose rules of its own on the states or on the convention.... In the state-application-and-convention procedure, the states are in the position of the property owner, Congress in the position of the manager, and the convention for proposing amendments in the place of the contractor.<sup>150</sup>

Congress, however, has historically interpreted the language authorizing it to "call" an Article V Convention as providing a broad mandate to establish standards and procedures for such an assembly. In its 1984 report on S. 119, 98<sup>th</sup> Congress, the Senate Judiciary Committee expressed its judgment that

... [a]s a necessary incident of its responsibility to "call" the convention, Congress must have the authority to determine that the constitutional preconditions exist for such a convention.... The Congress, as well, clearly possesses the authority to set forth the necessary and attendant details of the convention.<sup>151</sup>

The House Judiciary Committee considered both points of view in its 1993 print, *Is There a Constitutional Convention in America's Future?*, ultimately suggesting that Congress does have a role beyond that of calling the convention and then standing aside, but noting that the extent of that function is open to dispute:

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<sup>149</sup> Alexander Hamilton, in *The Federalist*, Number 85, "Conclusion," p. 546.

<sup>150</sup> Natelson, *Amending the Constitution by Convention: A Complete View of the Founders' Plan*, p. 21.

<sup>151</sup> *Constitutional Convention Implementation Act of 1984*, 98<sup>th</sup> Cong., 2<sup>nd</sup> sess. S.Rept. 98-594, p. 21.

Congress, according to most commentators, has only two roles in the Convention process: To call the Convention and to choose a method of ratification. However, all are agreed that a range of ancillary functions are necessary and proper to carry out the primary roles. The disagreement begins in deciding the limits of the ancillary functions.<sup>152</sup>

Some of these ancillary functions associated with an Article V Convention are considered below.

### **Providing a Framework: The Precedent of Congressional Proposals to Shape an Article V Convention**

As noted in the previous section, Congress has historically interpreted the language authorizing it to “call” an Article V Convention as providing a broad mandate to establish standards and procedures for such an assembly. This viewpoint evolved during the 1970s and 1980s as Congress considered legislation to establish procedures for an Article V Convention: by the mid-1980s, these bills generally included quite specific standards for state petitions, delegate apportionment formulas and delegate qualifications, convention procedures and funding, specific limits for the life of a convention, ratification procedures, and judicial review.

Between 1973 and 1992, 22 bills were introduced in the House and 19 in the Senate that sought to establish a procedural framework that would apply to an Article V Convention. Proponents argued that constitutional convention procedures legislation would eliminate many of the uncertainties inherent in first-time consideration of such an event and would also facilitate contingency planning, thus enabling Congress to respond in an orderly fashion to a call for an Article V Convention. The Senate, in fact, passed constitutional convention procedures bills, the “Federal Constitutional Convention Procedures Act,” on two separate occasions: as S. 215 in 1971 in the 92<sup>nd</sup> Congress, and as S. 1272 in 1983, in the 98<sup>th</sup> Congress. Neither bill was considered in the House, although the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee held hearings on the general issue in 1985. As the prospect of an Article V Convention receded in the 1990s, congressional interest waned. Between 1991 and the time of this writing, no relevant legislation has been introduced. Although the content of these bills evolved over time, most of them were broadly similar, sharing various common elements, among which were the following.

#### ***State Application Procedures***

All bills prescribed a standard format and content for state applications, provided delivery standards for applications, and set schedules for submissions to Congress, and for congressional declarations of receipt. Most proposals included a contemporaneity provision, essentially establishing a time limit, usually seven years, after which state applications would expire.

#### ***Application, Receipt, and Processing in Congress***

The Secretary of the Senate and the Clerk of the House of Representatives were generally authorized to receive and retain applications, report them, and report to their respective chambers if the constitutional requirement was met. Most bills required the adoption of a concurrent resolution by the two chambers that valid applications had been received from two-thirds of the

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<sup>152</sup> *Is There a Constitutional Convention in America's Future?*, pp. 28-29.

states. The House and Senate, by concurrent resolution, would then call for a convention, designating the place and time of the meeting, which would be not less than one year after the adoption of the resolution, and the nature of the amendment or amendments to be considered.

### ***Number and Apportionment of Delegates***

Apportionment of convention delegates among the states was generally set at the formula provided for the electoral college, with each state assigned a number equal to its combined Senate and House delegations. Some bills included the District of Columbia, assigning it three delegates, but others did not include the federal district. When combined with the per capita voting which most bills provided, this formula gave greater weight to differences in state population; as with the electoral college, it also recognized the federal system's position on constitutional equality of the states by providing each with an extra two delegates and votes, regardless of population.

### ***Funding***

Most bills provided that delegates and convention staff were to be compensated from federal funds, and delegates received immunity from arrest in most instances during the convention. Various federal agencies were authorized to provide support for the convention as requested, and convention expenses were to be covered by appropriated funds.

### ***Convention Procedures***

The Vice President was authorized in most versions to preside over the inaugural session and swear in the convention officers, after which time the permanent officers would preside over later sessions and the delegates would adopt their rules and procedures.

Most bills required that amendments were to be approved by two-thirds of the whole number of delegates, and that amendments were required to be consistent with the issue which the convention had been summoned to address. In most versions, as noted earlier, Congress reserved to itself the right to decide whether proposed amendments met this criterion.

The President pro tempore of the Senate and the Speaker of the House were required to transmit proposed amendments to the Administrator of General Services for circulation to the states unless both chambers passed a concurrent resolution of disapproval. Valid grounds for disapproval included departure from the policy issue for which the convention was called or failure to follow procedures prescribed in the authorizing legislation. Amendments proposed by a convention would be subject to standard constitutional requirements, that is, ratification by three-fourths of the states, either in their legislatures, or by ad hoc ratification conventions, as determined by Congress.

### ***A Defined Term for the Convention***

The convention was given a limited term, generally either six months or one year.

### ***State Authority to Rescind Ratification of Proposed Amendments***

Most versions of the bill authorized the states to rescind ratification of proposed amendments at any time before the constitutional ratification threshold of three-fourths of the states was attained.

### ***Judicial Review***

Later versions of constitutional convention procedures bills generally authorized judicial review and set procedures for court consideration of proposed amendments.

In the event the number of state applications for an Article V Convention approached the two-thirds constitutional requirement, Congress could choose to revisit this issue. If so, legislation introduced during the later decades of the 20<sup>th</sup> century could provide a range of models for procedures to provide for an Article V Convention.

### **What Are the Current Procedures for Receipt and Processing of State Applications by Congress?**

The process by which the states currently register, and Congress acknowledges the receipt of, applications for an Article V Convention, as well as the occasional application for a specific amendment, is another area in which there are few established procedures. For this particular activity, Congress performs an essentially ministerial function.

In the absence of guidance from Congress, the state legislatures have historically forwarded their applications for an Article V Convention to an almost bewildering range of congressional officers and offices. For practical purposes, this is an area where the Senate and the House of Representatives, acting either jointly or individually, might choose to designate a single official or office to whom such applications should be addressed, such as the Secretary of the Senate and the Clerk of the House of Representatives, or, alternatively, the Speaker and the President pro tempore of the Senate. The law governing the transmission of state electoral college proceedings offers a potential example: in this instance, each state is required to transmit the vote of its electors to the President of the Senate (recall that the Vice President presides over the joint electoral vote count session in his capacity as President of the Senate), the secretary of state of their state, the Archivist of the United States, and the judge of the federal court in the district in which the electors assemble.<sup>153</sup> By designating specific officials, the statute avoids the uncertainty faced by states as to whom their electoral college results should be addressed, and by specifying multiple recipients, it ensures that the certificates will be safely delivered and retained.

Once they are received by Congress, state applications for an Article V Convention are classified as “Memorials.”<sup>154</sup> As such, they may be addressed to the House or Senate as a whole, to the Speaker or the presiding officer of the Senate, or to individual Senators or Representatives. Memorials are printed on an occasional basis in the *Congressional Record* after they have been received.

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<sup>153</sup> 3 U.S.C. 11.

<sup>154</sup> For additional information, see CRS Report 98-839, *Messages, Petitions, Communications, and Memorials to Congress*, by R. Eric Petersen.

The Senate assigns a “POM” (petitions or memorials) number to each memorial and prints the full text of memorials received from state legislatures from time to time under the heading “Petitions and Memorials” in the *Record*, as authorized by Rule VII of the *Standing Rules of the Senate*.<sup>155</sup>

House practice differs somewhat: memorials are customarily presented by the Speaker, in accord with Rule XII, clause 3 of the *Rules of the House*. They are assigned a number, and printed and recorded separately from other communications in the *Congressional Record*, under the heading “Memorials.” Unlike the Senate, the House includes only a digest of the state measure.<sup>156</sup>

Rescissions of applications for an Article V Convention, which in recent years have been more common than new applications, are recorded the same way.<sup>157</sup>

The Senate and House of Representatives both place the consideration of constitutional amendments under the jurisdiction of their respective Committees on the Judiciary, and Memorials containing state applications are customarily referred to these committees. Both applications and rescissions are apparently retained by the Judiciary committees during the tenure of the Congress in which they were received, after which time they are transmitted to the National Archives and Records Administration for retention by the Center for Legislative Archives. There does not, however, appear to be a central repository where these documents are retained for the historical record. According to the National Archives, state applications are scattered through the center’s various congressional document holdings.<sup>158</sup> Given this finding, and the fact that no single legislative branch officer or entity currently is tasked with recording and retaining all state applications for an Article V Convention, no definitive official list of such calls exists.

This is also an area in which the Senate and House of Representatives, acting jointly or separately, might consider more systematic procedures for the treatment of state applications for an Article V Convention, or for specific amendments, particularly with respect to retention of state applications by a single, designated, repository, for a period longer than the life of the current Congress in which they were received. Such action would also offer a corollary benefit for the purposes of accurate historical record keeping in the future.

### **Could Senators and Representatives Serve as Delegates to an Article V Convention?**

An initial response to this query might be that Members of either house of Congress would be prohibited from serving as delegates to an Article V Convention. The House Judiciary Committee’s 1993 study makes note of this argument, which stems from the Constitution’s provision that

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<sup>155</sup> See *Standing Rules of the United States Senate*, Rule VII, paragraph 1, available at <http://rules.senate.gov/public/index.cfm?Rule=VII>.

<sup>156</sup> See *Rules of the House of Representatives*, Rule XII, clause 3, at <http://www.rules.house.gov/singlepages.aspx?NewsID=133&rsbd=165>.

<sup>157</sup> Friends of the Article V Convention (FOAVC) maintains what it claims is a complete online archive of *Congressional Record* (and earlier congressional journals) images of state petitions, or digests thereof. This collection begins with 1899 and continues to the present. It is available at <http://foavc.org/file.php/1/Amendments/index.htm>.

<sup>158</sup> Letter from Rodney A. Ross, National Archives and Records Administration, Center for Legislative Archives, dated March 12, 2007. Available from the author of this report.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased [sic] during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.<sup>159</sup>

The report also cites assertions that Members serving as delegates would constitute “great potential for conflict of interest because Members would be viewed as acting both as regulators and as persons regulated.”<sup>160</sup> Finally, it notes arguments also cited elsewhere in this report that the founders intended the Article V mechanism to be a way around congressional unwillingness to propose amendments.

At the same time, other observers have suggested that there is no constitutional prohibition against Senators and Representatives serving as delegates to an Article V Convention. In a 1974 study, the American Bar Association determined that the constitutional mandate prohibits Members from holding any additional office in one of the three branches of the U.S. government, but concluded that service as a “state-elected delegate to a national constitutional convention does not meet this standard.”<sup>161</sup> Another commentator agreed, suggesting that Members of Congress could make a substantial addition to a convention: “in light of the delegates’ function and possible impact on the constitutional scheme, it seems desirable that interested members of Congress be allowed to participate.”<sup>162</sup> Finally, both the aforementioned sources cite as precedent the fact that several incumbent Delegates to Congress under the Articles of Confederation, “the United States in Congress Assembled,” served with distinction as delegates to the Philadelphia Convention of 1787.

## **Convention Procedures: Ancillary Issues for Congress**

The Article V Convention carries with it a range of ancillary questions, several of which are addressed in this section.

### ***Would State Representation and Voting in the Convention be Equal? Proportional to Population? Or Both?***

One issue would likely arise over the state representation formula at an Article V Convention. As noted earlier, the most widely discussed model would establish a convention including 535 (or 538, depending on whether the District of Columbia is included) delegates, allocated to each state according to the size of its electoral college delegation, that is, the combined total of each state’s House of Representatives and Senate delegations.

A related question concerns vote allocation in an Article V Convention. Would delegates vote per capita, or would each state cast a single vote, during the convention’s deliberations, and on the final question of proposing amendments? Here again, contemporary democratic practice might

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<sup>159</sup> U.S. Constitution, Article I, Section 6, clause 2.

<sup>160</sup> *Is There a Constitutional Convention in America's Future?*, p. 20.

<sup>161</sup> American Bar Association, *Amendment of the Constitution by the Convention Method Under Article V*, p. 37.

<sup>162</sup> Forkosch, “The Alternative Amending Clause in Article V: Reflections and Suggestions,” p. 1073. Professor Forkosch further suggested that federal judges would be able to serve as delegates to an Article V Convention, although he advised Congress to exclude them.

argue that the convention's size or vote allocation formula should more accurately reflect the great variations in state population than does the electoral vote delegate allocation model.<sup>163</sup> Expanding the number of convention delegates beyond the 535 or 538 previously contemplated would be one response to such concerns; another might be weighted voting, with the votes assigned to each state's delegation adjusted to reflect the population differential, regardless of the number of convention delegates. On the other hand, it could be argued that the allocation of electoral votes reflects the federal principal of fundamental equality among the states, notwithstanding the various population differentials. In fact, it could be noted that each state cast just a single vote in all deliberations at the Philadelphia Convention, and that, moreover, Article V also assigns equal weight to the various states in the ratification process, notwithstanding their population.

A subsidiary question would involve voting within delegations at the convention: if each state casts a single vote, what form would internal state delegation balloting take? Would a majority of delegate votes be required to cast the state vote in favor of a proposed amendment, or for that matter on any question before the convention, or would a plurality suffice?

### ***Would the Convention Require a Super Majority of State or Delegate Approvals to Propose Amendments?***

The Constitution is silent on the vote required to propose amendments in an Article V Convention. It might be argued that since the Constitution offers no guidance, it would be appropriate for the convention, or Congress, if it has passed an Article V Convention procedures act, to set the standard for successful proposal to the states. A strong argument could be made for adopting the two-thirds majority requirement already necessary for congressional proposal of amendments. One commentator argued for approval by two-thirds of the delegates to an Article V Convention, and suggested that Congress should include such a provision in any convention procedures legislation it considered.

Congress should also provide that an affirmative vote of two-thirds of the delegates would be required to propose any given amendment to the states. In this way, it would assure a symmetry of concurrence in the bodies empowered to propose constitutional amendments — whether the body was Congress or a convention.... A two thirds requirement in such a convention would also guarantee that no amendment, regardless of its means of proposal, is ever submitted to the states before an overwhelming consensus as to its desirability is evidenced in a nationally oriented body.<sup>164</sup>

Proponents of a less restrictive requirement might suggest that, at two-thirds, the bar has been set too high, especially considering the stringent constitutional requisite that any amendment be approved by three-fourths of the states, and usually within seven years, in order to be ratified. The convention, they might argue, should send the amendment to the states and let the people decide. Moreover, they might note that while Article V sets two very specific super-majority requirements for constitutional amendments (a two-thirds vote of both houses for congressionally

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<sup>163</sup> For instance, if delegates were apportioned according to the electoral college formula, each of California's delegates would represent 679,000 people, while each of Wyoming's three delegates would represent 190,000, by this measurement, providing a substantial arithmetical advantage to residents of the latter state. 2012 Census figures, computed by CRS.

<sup>164</sup> Bonfield, "Proposing Constitutional Amendments by Convention: Some Problems," p. 676.



proposed amendments, and ratification by three-fourths of the states), it provides no super-majority for amendments proposed by an Article V Convention. The inference here is that since the founders did not set a higher hurdle, they were satisfied that majority approval, or perhaps even a plurality vote in the convention, would be sufficient to propose amendments to the states.

### ***The Role of the District of Columbia and U.S. Territories in an Article V Convention***

Article V itself is silent on membership in an Article V Convention, so it is arguable that Congress, in summoning a convention to consider amendments, might choose to include the District of Columbia and U.S. territories as either full members at a convention, or possibly as observers. As noted previously, some versions of the Article V Convention procedures bills introduced in the late 20<sup>th</sup> century did provide for delegates representing the District of Columbia, although not for U.S. territories. There does not appear to be an impediment to participation by representatives of the federal district, although the ratification process for amendments is obviously limited to the states. An argument can be made for including Washington, DC, because it is part of the continental United States, is situated in the area of the original 13 states, and its residents have always been American citizens. Within this larger question, a further issue for Congress would be whether Washington should be accorded full membership in an Article V Convention, or observer or delegate status, as is the case with its representation in Congress. Here again, it could also be inferred that what the Constitution does not prohibit, it permits: since Article V does not set positive qualifications for the convention, the District of Columbia could be provided full voting membership. On the other hand, it could also be argued that Article V vests authority over the amendment process exclusively in Congress and the states, and that to expand membership in an Article V Convention to include delegates from the federal district was never contemplated by the founders, and is arguably extra-constitutional, if not unconstitutional.

The question of territorial representation at an Article V Convention is arguably more problematic. None of the convention procedures bills introduced from the 1970s through the 1990s provided delegates for any of the unincorporated territories or other possessions of the United States — American Samoa, Guam, the Commonwealths of the Northern Marianas and Puerto Rico, and the U.S. Virgin Islands. A case for territorial representation at a convention might turn on the point that these jurisdictions are controlled by the United States, their inhabitants are American citizens or nationals, and that they enjoy the privileges and protections of the Constitution. By extension, it may be asserted that that the territories at least deserve a seat at the table, perhaps as observers or delegates, rather than voting members.

However the question of District of Columbia and territorial representation at an Article V convention was decided, it must be recalled that, in the final analysis, none of these jurisdictions would take part in the ultimate process of ratifying any proposed amendments. Here the constitutional language is prescriptive, specifying that amendments must be ratified by vote of “the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof....”

## **Concluding Observations**

The Article V Convention for proposing amendments was the subject of considerable debate and forethought in the Philadelphia Convention of 1787. Clearly intended as a balance to proposal of

amendments by Congress, it sought to provide the people, through their state legislatures, with an alternative method of offering amendments to the nation's fundamental charter, particularly if Congress proved incapable of, or unwilling to, initiate amendments on its own. It also enjoys distinction as one of the few provisions of the U.S. Constitution that has never been implemented. Under these circumstances, the Article V Convention presents many questions that Congress would be called on to consider, and perhaps answer, in the event a convention became a serious possibility. If so, Congress would not be without resources. It is perhaps fortunate that guideposts, if not simple answers, exist in the broad range of sources cited in this report: the original intent of the founders as preserved in the record; historical examples and precedents, particularly those of the last decades of the 20<sup>th</sup> century; a large body of scholarly writing on the subject; and not least, the work and products of two decades of serious congressional consideration, from the 1970s to the 1990s, of the question of an Article V Convention.

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**Wednesday, February 24, 2021**

## HB 596 - Generally revise laws related to false arrest and imprisonment

**Sponsor: Rep. Joe Read (R)**

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[illegible]

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Sponsor: **Rep. Jonathan Windy Boy (D)**

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**Wednesday, February 24, 2021**

## HB 584 - Requiring certain costs paid to detention center be based on actual costs

**Sponsor: Rep. Kerri Seekins-Crowe (R)**

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**Wednesday, February 24, 2021**

**HB 559 - Revise requirements for dissemination of confidential criminal justice info**

**Sponsor: Rep. Bill Mercer (R)**

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Wednesday, February 24, 2021

## HB 480 - Revise order of protection laws regarding incapacitated persons

Sponsor: **Rep. Bill Mercer (R)**

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Wednesday, February 24, 2021

**HB 391 - Revise and enhance penalties for criminal distribution of dangerous drugs**

Sponsor: **Rep. Frank Fleming (R)**

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**Wednesday, February 24, 2021**

**HB 481 - Protect critical infrastructure**

**Sponsor: Rep. Steve Gunderson (R)**

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| Name            | Representing                              | Support | Oppose | Info |
|-----------------|-------------------------------------------|---------|--------|------|
| Reggy Trenk     | TSRA                                      | X       |        |      |
| Ryan Hall       | MT Electric Co-ops Assoc.                 | X       |        |      |
| Jestin Dupree   | Fort Peck Tribes                          |         | X      |      |
| Lori Shaw       | North Western Energy                      | ✓       |        |      |
| Melissa Lewis   | Charter Spectrum                          | ✓       |        |      |
| Shelby DeMers   | MT Assoc. of Oil, Gas, + Coal<br>Counties | X       |        |      |
| Shawn Dorene    | DOJ                                       | X       |        |      |
| Sam Forstlag    | ACLU of Montana                           |         | ✓      |      |
| Makenna Sellers | Northern Plains Resource Council          |         | X      |      |
| Keaton Sunchild | Western Native Voice                      |         | +      |      |
| Darrah Killbuck | Western Native Voice                      |         | +      |      |
| Adam Haight     | MT AFL-CIO                                |         | X      |      |
| Adam Thompson   | conf. Salish + Kootenai Tribes            |         | X      |      |
|                 |                                           |         |        |      |
|                 |                                           |         |        |      |
|                 |                                           |         |        |      |
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|                 |                                           |         |        |      |
|                 |                                           |         |        |      |

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.



**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, February 24, 2021**

## HB 560 - Establish the Montana second amendment preservation act

Sponsor: **Rep. Steve Gunderson (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, February 24, 2021**

## HB 553 - Limit time of suspended sentences for felony convictions

Sponsor: **Rep. Jimmy Patelis (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**



**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

Wednesday, February 24, 2021

## HJ 13 - Resolution for Article V US constitution convention of states

Sponsor: **Rep. Neil Duram (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, February 24, 2021**

## HB 592 - Generally revise absolute liability laws

**Sponsor: Rep. Joe Read (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

## House Judiciary Zoom Testimony 02.24.2021

| Bill          | Name                       | Location             | Email                                            | Position  | Affiliation                          |
|---------------|----------------------------|----------------------|--------------------------------------------------|-----------|--------------------------------------|
| <b>HB-584</b> | <b>NO REMOTE TESTIMONY</b> |                      |                                                  |           |                                      |
| <b>HB-578</b> | <b>Proponent</b>           |                      |                                                  |           |                                      |
| HB-578        | Aimee Grmoljez             | Helena, Montana      | agrmoljez@crowleyfleck.com                       | Proponent | City of Billings                     |
| <b>HB-559</b> | <b>NO REMOTE TESTIMONY</b> |                      |                                                  |           |                                      |
| <b>HB-480</b> | <b>Proponents</b>          |                      |                                                  |           |                                      |
| HB-480        | Adrian Miller              | Billings, Montana    | adrian.miller@sullivanmiller.com                 | Proponent |                                      |
| <b>HB-391</b> | <b>Proponents</b>          |                      |                                                  |           |                                      |
| HB-391        | Marty Lambert              | Bozeman, Montana     | marty.lambert@gallatin.mt.gov                    | Proponent | MT County Attorney's Association     |
| HB-391        | Scott Twito                | Billings, Montana    | stwito@co.yellowstone.mt.gov                     | Proponent | MT County Attorney's Association     |
| <b>HB-553</b> | <b>NO REMOTE TESTIMONY</b> |                      |                                                  |           |                                      |
| <b>HB-481</b> | <b>Opponents</b>           |                      |                                                  |           |                                      |
| HB-481        | Darf Johnson               | Helena, Montana      | djohnson@meic.org                                | Opponent  | MT Environmental Information Center  |
| HB-481        | Marcos Bullchild           | Great Falls, Montana | bullchildmarcos333@gmail.com                     | Opponent  |                                      |
| HB-481        | Dan Wenner                 | Billings, Montana    | dwenner@elkriverlaw.com                          | Opponent  | Fort Peck Assiniboine & Sioux Tribes |
| HB-481        | Jestin Dupree              | Poplar, Montana      | jdupree@fortpecktribes.net                       | Opponent  | Fort Peck Assiniboine & Sioux Tribes |
| HB-481        | Pat Runs Through           | Poplar, Montana      | patricia.ironcloudrunsthrough@fortpecktribes.net | Opponent  |                                      |
| HB-481        | Floyd Azure                | Poplar, Montana      | fazure@fortpecktribes.net                        | Opponent  |                                      |
| HB-481        | Josh Butterfly             | Great Falls, Montana | butterflyjosh4@gmail.com                         | Opponent  | Opening Doors                        |
| HB-481        | Dick Iverson               | Helena, Montana      | rji@midrivers.com                                | Opponent  |                                      |
| HB-481        | Laurie Little Dog          | Bozeman, Montana     | laurielittledog@gmail.com                        | Opponent  |                                      |
| HB-481        | Tajjin Perez               | Billings, Montana    | tperez@westernnativevoice.org                    | Opponent  |                                      |
| HB-481        | Annie Ostby                | Dagmar, Montana      | a.a.ostby@gmail.com                              | Opponent  |                                      |
| HB-481        | John Rundquist             | Helena, Montana      | rundquistador@gmail.com                          | Opponent  |                                      |
| HB-481        | Terry Punt                 | Birney, Montana      | jcazc@rangeweb.net                               | Opponent  |                                      |
| HB-481        | Agnes Sullivan             | Richey, Montana      | jas@midrivers.com                                | Opponent  |                                      |

|               |                            |                       |                         |           |                                                 |
|---------------|----------------------------|-----------------------|-------------------------|-----------|-------------------------------------------------|
| HB-481        | Dena Hoff                  | Glendive, Montana     | dena.hoff47@gmail.com   | Opponent  |                                                 |
| HB-481        | Joan Kresich               | Livingston, Montana   | joankreich@gmail.com    | Opponent  |                                                 |
| HB-481        | Pat Wilson                 | Bainville, Montana    | rpw34ster@gmail.com     | Opponent  |                                                 |
|               |                            |                       |                         |           |                                                 |
| <b>HB-560</b> | <b>Proponents</b>          |                       |                         |           |                                                 |
| HB-560        | Keith Kubista              | Stevensville, Montana | kredtailhawk@gmail.com  | Proponent |                                                 |
|               |                            |                       |                         |           |                                                 |
| <b>HJ-13</b>  | <b>Proponents</b>          |                       |                         |           |                                                 |
| HJ-13         | Clifford Sisko             | Miles City, Montana   | csisko@outlook.com      | Proponent |                                                 |
| HJ-13         | Richard Pence              | Billings, Montana     | rapence45@gmail.com     | Proponent | Big Sky World View Forum                        |
| HJ-13         | Tracy Schuster             | Glentana, Montana     | imhappyru@hotmail.com   | Proponent |                                                 |
| HJ-13         | Casey Collins              | Helena, Montana       | ccolli1212@gmail.com    | Proponent |                                                 |
| <b>HJ-13</b>  | <b>Opponents</b>           |                       |                         |           |                                                 |
| HJ-13         | Thomas Millett             | Marion, Montana       | simplytom65@yahoo.com   | Opponent  |                                                 |
| HJ-13         | Daniel Keder               | Great Falls, Montana  | kederds@hotmail.com     | Opponent  |                                                 |
| HJ-13         | Edward Regan               | Townsend, Montana     | edregan@rytimber.com    | Opponent  | Broadwater Co. Rep. Central Comm.               |
| HJ-13         | Levi McEuen                | Broadus, Montana      | thegiftranch@gmail.com  | Opponent  |                                                 |
| HJ-13         | C. Amel Samuelson McEu     | Broadus, Montana      | mceuen@mac.com          | Opponent  |                                                 |
|               |                            |                       |                         |           |                                                 |
| <b>HB-581</b> | <b>Proponent</b>           |                       |                         |           |                                                 |
| HB-581        | Ione Young                 | Billings, Montana     | ionemyoung@charter.net  | Proponent | Montana Moms Demand Gun Sense Action            |
|               |                            |                       |                         |           |                                                 |
| <b>HB-555</b> | <b>NO REMOTE TESTIMONY</b> |                       |                         |           |                                                 |
|               |                            |                       |                         |           |                                                 |
| <b>HB-557</b> | <b>NO REMOTE TESTIMONY</b> |                       |                         |           |                                                 |
|               |                            |                       |                         |           |                                                 |
| <b>HB-591</b> | <b>Opponent</b>            |                       |                         |           |                                                 |
| HB-591        | Wyatt Glade                | Miles City, Montana   | w.glade@co.custer.mt.us | Opponent  | MT County Attorneys Association                 |
| HB-591        | Kelsen Young               | Helena, Montana       | kyoung@mcadsv.com       | Opponent  | MT Coalition Against Domestic & Sexual Violence |
|               |                            |                       |                         |           |                                                 |
| <b>HB-592</b> | <b>Opponent</b>            |                       |                         |           |                                                 |
| HB-592        | Wyatt Glade                | Miles City, Montana   | w.glade@co.custer.mt.us | Opponent  | MT County Attorneys Association                 |

|               |                   |                     |                            |           |                                            |
|---------------|-------------------|---------------------|----------------------------|-----------|--------------------------------------------|
| <b>HB-596</b> | <b>Opponent</b>   |                     |                            |           |                                            |
| HB-596        | Wyatt Glade       | Miles City, Montana | w.glade@co.custer.mt.us    | Opponent  | MT County Attorneys Association            |
| <b>HB-552</b> | <b>Proponents</b> |                     |                            |           |                                            |
| HB-552        | Jasmine Krotkov   | Bozeman, Montana    | jaminekrotkov4mt@gmail.com | Proponent |                                            |
| HB-552        | Mysell Lyday      | Missoula, Montana   | myshell@montanalaw.com     | Proponent | MT Association of Criminal Defense Lawyers |
| HB-552        | Travis McAdam     | Helena, Montana     | travis@mhrn.org            | Proponent | MT Human Rights Network                    |
| HB-552        | Lita Pepion       | Billings, Montana   | litapepion@hotmail.com     | Proponent | Indian People's Action                     |

Amendments to House Bill No. 258  
1st Reading Copy

Requested by Jedediah Hinkle  
For the (H) Judiciary

Prepared by Rachel Weiss  
02/17/2021, 01:43:52

1. Title, line 4.

**Strike:** "ANY"

**Insert:** "A"

2. Title, line 6.

**Following:** "DATE"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 19.

**Following:** "regulation"

**Insert:** "that is enacted, adopted, or becomes effective on or after January 1, 2021"

4. Page 1, line 20.

**Strike:** "an existing"

**Insert:** "a"

5. Page 1, line 20.

**Following:** "law"

**Insert:** "that existed on January 1, 2021,"

6. Page 3.

**Following:** line 2

**Insert:** "NEW SECTION. Section 8. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to a federal law, executive order, rule, or regulation adopted or enacted on or after January 1, 2021, or a new and more restrictive interpretation of a law that existed on January 1, 2021."

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

Amendments to House Bill No. 258  
1st Reading Copy

Requested by Jedediah Hinkle  
For the (H) Judiciary

Prepared by Toni Henneman  
02/22/2021, 05:53:11

1. Page 2, line 9 through line 17.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

2. Page 2, line 19.

**Strike:** "in an action that does not have the"

**Insert:** ", communicating, or collaborating with a federal agency if the primary"

3. Page 2, line 20.

**Strike:** "of enforcing"

**Insert:** "is not:

(a) law enforcement activity related to a federal ban; or

(b) the investigation of a violation of"

- END -

Explanation - Note: Because the page and line numbers referred to in these amendment instructions are required to match the page and line numbers of the official bill version being amended, they will not necessarily match the page and line numbers shown in any related Amendments in Context document.

## Amendment - 1st Reading - Requested by: Jedediah Hinkle

67th Legislature

Drafter: Toni Henneman, 406-444-3593

HB 258.1.5

1  
2        **NEW SECTION. Section 4. Prohibition of enforcement.** (1) A peace officer, state employee, or  
3 employee of a political subdivision is prohibited from enforcing, assisting in the enforcement of, or otherwise  
4 cooperating in the enforcement of a federal ban on firearms, magazines, or ammunition and is also prohibited  
5 from participating in any federal enforcement action implementing a federal ban on firearms, magazines, or  
6 ammunition.

7        (2) An employee of the state or a political subdivision may not expend public funds or allocate public  
8 resources for the enforcement of a federal ban on firearms, magazines, or ammunition.

9        ~~(3) [Sections 1 through 4] do not apply to:~~  
10        ~~(a) the possession or use of a fully automatic firearm that will fire continuously with only one pull of~~  
11 ~~the trigger;~~  
12        ~~(b) the enforcement of any federal or state law prohibiting a person with a violent felony conviction~~  
13 ~~from possessing a firearm;~~  
14        ~~(c) the enforcement of any federal or state law prohibiting a person convicted of a misdemeanor~~  
15 ~~offense of domestic violence from possessing a firearm; or~~  
16        ~~(d) the enforcement of a current order of protection issued pursuant to Title 40, chapter 15, prohibiting~~  
17 ~~a person from possessing a firearm.~~

18        ~~(4)(3)~~ Nothing in this section may be construed to prohibit or otherwise limit a peace officer, state  
19 employee, or employee of a political subdivision from cooperating ~~in an action that does not have the~~  
20 communicating, or collaborating with a federal agency if the primary purpose of enforcing is not:

21        (a) law enforcement activity related to a federal ban; or

22        (b) the investigation of a violation of a federal ban.  
23

24        **NEW SECTION. Section 5. Severability.** If a part of [this act] is invalid, all valid parts that are  
25 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
26 the part remains in effect in all valid applications that are severable from the invalid applications.  
27

28        **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 4] are intended to be



**HOUSE JOURNAL  
67TH LEGISLATURE  
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 26, 2021

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative Stafman. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS** (J. Hinkle, Chair):

2/26/2021

Correctly printed: **HB 57, HB 90, HB 91, HB 233, HB 289, HB 291, HB 300, HB 373, HB 374, HB 403, HB 428, HB 437, HB 438, HB 442, HB 454, HB 462, HB 463, HB 476, HB 478, HB 482, HB 488, HB 490, HB 498, HB 503, HB 515, HB 517, HB 530, HB 538, HB 543, HB 555, HB 556, HB 586, HB 590, HB 610, HB 612, HB 613, HB 614, HB 615, HB 616, HB 617, HB 618, HJR 14, HJR 15, HJR 21, SB 140.**

Correctly engrossed: **HB 24, HB 46, HB 121, HB 206, HB 230, HB 247, HB 251, HB 264, HB 333, HB 334, HB 336, HB 350, HB 355, HB 358, HB 378, HB 391, HB 396, HB 402, HB 404, HB 418, HB 422, HB 423, HB 433, HB 440, HB 447, HB 448, HB 449, HB 475, HB 479, HB 506, HB 519, HB 575, HB 600, HB 602.**

Examined by the sponsor and found to be correct: **HB 85, HB 94, HB 142.**

Transmitted to the Senate: **HB 57, HB 90, HB 291, HB 300, HB 307, HB 373, HB 374, HB 428, HB 463, HB 478.**

Signed by the Speaker at 4:10 p.m., February 26, 2021: **HB 85, HB 94, HB 142.**

Signed by the Chief Clerk of the House at 4:20 p.m., February 26, 2021: **HB 85, HB 94, HB 142.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE** (Kassmier, Chair):

2/25/2021

**HB 336**, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "AN"

Insert: "A CONTINGENT"

2. Page 7.

Following: line 2

Insert: "NEW SECTION. **Section 3. Contingent effective date.** (1) [This act] is effective on the date that either of the following occurs:

(a) the director of the department of livestock certifies to the code commissioner that the Interstate Cooperative Meatpacking Compact has been ratified by the United States congress; or

(b) the attorney general certifies to the code commissioner that a court of competent jurisdiction has entered a final judgment on the merits finding that the Interstate Cooperative Meatpacking Compact is not preempted by federal law and the action is no longer subject to appeal.

HOUSE JOURNAL  
FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 26, 2021

(2) The director of the department of livestock or the attorney general shall submit certification within 14 days of the occurrence of the contingency that occurs first."

And, as amended, do pass. Report adopted.

**HB 396**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "HEMP"

Strike: "SEED"

2. Title, line 6.

Following: "PROVIDING"

Strike: "A CONTINGENT"

3. Title, line 6.

Strike: "DATE"

Insert: "DATES"

4. Page 1, line 19.

Following: the first "hemp"

Strike: "seed"

Following: the second "hemp"

Strike: "seed"

5. Page 1, line 20.

Following: the second "for"

Insert: ";

(i)"

Following: the second "or"

Insert: "horse; or

(ii)"

Following: the third "for"

Insert: "other"

6. Page 7, line 22.

Strike: "**Contingent effective date**"

Insert: "**Effective dates -- contingency**"

Following: "**date.**"

Insert: "(1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2)"

Following: "Section 1"

Insert: "(3)(b)(ii)"

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7. Page 7, line 24.  
Following: the first "hemp"  
Strike: "seed"  
Following: the second "hemp"  
Strike: "seed"

8. Page 7, line 25.  
Following: "feed"  
Insert: "for livestock"

And, as amended, do pass. Report adopted.

**HB 433**, introduced bill, be amended as follows:

1. Title, line 5.  
Following: "BRAND;"  
Strike: "AND"

2. Title, line 6.  
Following: "MCA"  
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 22.  
Strike: "indistinguishable"  
Insert: "different"

4. Page 1, line 26.  
Following: "determines"  
Strike: "the indistinguishable brands"  
Insert: "that the different brands or marks"

5. Page 2.  
Following: line 3  
Insert: "NEW SECTION. Section 2. {standard} Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**EDUCATION** (Berglee, Chair):

2/24/2021

**HB 46**, introduced bill, be amended as follows:

1. Page 5, line 12.  
Strike: "\$298.32"  
Insert: "\$287.93"

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FORTY-FIRST LEGISLATIVE DAY - FEBRUARY 26, 2021

2. Page 5, line 12.

Strike: "\$304.02"

Insert: "\$286.02"

And, as amended, do pass. Report adopted.

**HB 206**, introduced bill, be amended as follows:

1. Title, line 11.

Following: "FACILITIES;"

Insert: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 1, line 22.

Strike: "The"

Insert: "Except for the tuition paid by the district of residence under 20-5-324(2)(b), the"

3. Page 1, line 23.

Following: "pupils."

Insert: "The rules must provide:

(i) that tuition amounts must be reduced by the funding generated by the district of attendance due to the child's attendance; and

(ii) an option for tuition set at the actual unique costs of providing a free appropriate public education."

4. Page 1, line 24.

Following: "(3) The"

Insert: "state-paid"

Following: "(1)(e)"

Insert: "in addition to the tuition paid by the district of residence under 20-5-324(2)(b)"

5. Page 1, line 28.

Following: "agreement"

Strike: "with the district of attendance"

6. Page 2, line 1.

Following: "student,"

Strike: "80% of the"

Following: "~~20-9-306~~"

Insert: "120% of the"

7. Page 2, line 4.

Strike: "ANB"

Insert: "student"

8. Page 3, line 2.

Strike: "of each fiscal"

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Insert: "the following information for the concluding school fiscal"

9. Page 3, line 4 through line 5.

Strike: "in" on line 4 through "year" on line 5

10. Page 3, line 10.

Following: "state"

Strike: "in the previous school year"

11. Page 3, line 13.

Following: "schools"

Strike: "in the previous school year"

12. Page 3, line 17.

Following: "district"

Insert: "of residence"

13. Page 3, line 23.

Following: "attendance"

Insert: "twice"

Following: the second "the"

Insert: "maximum"

Following: "20-5-323(1)"

Insert: "prorated for the actual days of enrollment"

14. Page 3, line 28.

Following: "levy"

Insert: "or from the district's general fund or any other legally available fund in the discretion of the trustees"

15. Page 4, line 11.

Following: "fund"

Insert: "or from the district's general fund or any other legally available fund in the discretion of the trustees"

16. Page 4, line 12.

Following: "fund"

Insert: "or from the district's general fund or any other legally available fund in the discretion of the trustees"

17. Page 4, line 14 through line 15.

Strike: "out" on line 14 through "levy" on line 15

18. Page 7, line 5 through line 6.

Strike: ", including" on line 5 through "education" on line 6

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19. Page 7, line 7.

Following: "hospital"

Insert: ", including the provision of a free appropriate public education for a child with a disability"

20. Page 8, line 8.

Following: "(1)"

Insert: "(a)"

21. Page 8, line 10 through line 13.

Strike: ", including" on line 10 through "20-5-109" on line 13

22. Page 8.

Following: line 13

Insert: "(b) As used in this section, "appropriate educational opportunity" means:

(i) for an eligible child without a disability:

(A) if provided by a nonpublic school, an education program provided in accordance with the requirements for a nonpublic school under the provisions of 20-5-109; and

(B) if provided by a public school, an education program consistent with accreditation standards provided for in 20-7-111; and

(ii) for an eligible child with a disability, a free appropriate public education consistent with state standards for the provision of special education and related services."

23. Page 8, line 20.

Following: "child"

Insert: "for each hospital or facility that reflects actual documented costs of providing an appropriate educational opportunity at that hospital or facility and that excludes the cost of services that are eligible for reimbursement under any provision of state or federal law or an insurance policy"

24. Page 8, line 22.

Strike: "120%"

Insert: "100%"

25. Page 8, line 23.

Strike: "pursuant to"

Insert: "as defined in"

26. Page 8, line 27.

Strike: "20%"

Insert: "40%"

27. Page 8, line 27.

Strike: "pursuant to"

Insert: "as defined in"

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28. Page 8, line 28.

Strike: "may"

Insert: "shall"

29. Page 9, line 1.

Following: "fund"

Insert: "or from the district's general fund or any other legally available fund in the discretion of the trustees"

Following: "fund."

Insert: "(d) An eligible child whose appropriate educational opportunity is provided under subsection (5)(a) or (5)(b) of this section may not receive funding under this subsection (3)."

30. Page 9, line 13 through line 14.

Strike: "education" on line 13 through "part" on line 14

Insert: "appropriate educational opportunity"

31. Page 9, line 18.

Strike: "the education of"

Insert: "an appropriate educational opportunity for"

32. Page 9, line 24 through line 25.

Strike: "program" on line 24 through "20-7-402 for" on line 25

Insert: "opportunity for eligible"

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Lenz, Chair):

2/24/2021

**HB 155**, do pass. Report adopted.

**HB 356**, do pass. Report adopted.

**HB 360**, do pass. Report adopted.

**HB 364**, do pass. Report adopted.

**HB 369**, do pass. Report adopted.

**HB 423**, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "added"

Insert: "considered for addition"

2. Page 1, line 17.

Following: the first "and"

Insert: "that"

3. Page 1, line 24.

Strike: "six"

Insert: "eight"

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4. Page 1, line 26.

Following: "(a)"

Strike: "one member who is a person"

Insert: "two members who are persons"

5. Page 1, line 26.

Strike: "a family member"

Insert: "family members"

6. Page 1, line 28.

Strike: "one member who is a physician or nurse practitioner"

Insert: "two members who are physicians or nurse practitioners who are"

7. Page 1, line 28.

Following: "pediatrics,"

Insert: "family medicine,"

8. Page 2, line 6.

Strike: "with"

Insert: "who is a medical geneticist or who has"

9. Page 2, line 7.

Strike: "board"

Insert: "committee"

10. Page 2, line 9.

Following: "2,"

Strike: "or"

Following: "3"

Insert: ", or 4"

11. Page 2, line 18.

Strike: "board"

Insert: "committee"

12. Page 2, line 19.

Strike: "board"

Insert: "committee"

13. Page 2, line 22.

Strike: "board"

Insert: "committee"

14. Page 2, line 23.

Strike: "board"

Insert: "committee"



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15. Page 2.

Following: line 23

Insert: "(8) The committee shall give priority at its first meeting to reviewing Krabbe disease and shall recommend that the disease be added to the newborn screening panel. If the committee fails to make the recommendation, the director shall disband the committee."

And, as amended, do pass. Report adopted.

**HB 484**, do pass. Report adopted.

**HB 495**, do pass. Report adopted.

**HB 574**, do pass. Report adopted.

**HB 575**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "AN EXCEPTION FOR SCHOOL-BASED HEALTH CENTERS"

**Insert:** "EXCEPTIONS"

2. Page 1, line 12.

**Following:** "agents"

**Insert:** "-- exceptions"

3. Page 1, line 15.

**Following:** "section"

**Insert:** ":

(a)"

**Following:** "center"

**Insert:** "; and

(b) is not intended to limit or prohibit the normal course of chronic or acute care delivered by school staff or by employed or contracted school nurses or speech-language pathologists"

And, as amended, do pass. Report adopted.

**LEGISLATIVE ADMINISTRATION** (J. Hinkle, Chair):

2/22/2021

**HB 497**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Custer, Chair):

2/25/2021

**HB 422**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "SYSTEMS"

Insert: "UNDER CERTAIN CIRCUMSTANCES; ALLOWING A POLITICAL SUBDIVISION TO INVEST IN BROADBAND INFRASTRUCTURE"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS 2-17-603 AND"

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2. Title, line 6.

Following: "2-17-601"

Strike: ", 2-17-602, 2-17-603,"

3. Page 1.

Following: line 9

**Insert:** "Section 1. Section 2-17-603, MCA, is amended to read:

**"2-17-603. Government competition with private internet services providers prohibited -- exceptions.** (1) Except as provided in subsection (2)(a) or (2)(b), an agency or political subdivision of the state may not directly or through another agency or political subdivision be an internet services provider.

(2) (a) An agency or political subdivision may act as an internet services provider if:

(i) no private internet services provider is available within the jurisdiction served by the agency or political subdivision; or

(ii) the agency or political subdivision provided services prior to July 1, 2001.

(b) An agency or political subdivision may act as an internet services provider when providing advanced services that are not otherwise available from a private internet services provider within the jurisdiction served by the agency or political subdivision.

(c) If a private internet services provider elects to provide internet services in a jurisdiction where an agency or political subdivision is providing internet services, the private internet services provider shall inform the agency or the political subdivision in writing at least 30 days in advance of offering internet services.

(3) Upon receiving notice pursuant to subsection (2)(c), the agency or political subdivision shall notify its subscribers within 30 days of the intent of the private internet services provider to begin providing internet services and may choose to discontinue providing internet services within 180 days of the notice.

(4) Nothing in this section may be construed to prohibit an agency or political subdivision from:

(a) offering electronic government services to the general public; ~~or~~

(b) acquiring access to the internet from a private internet services provider in order to offer electronic government services to the general public; or

(c) investing in infrastructure to improve, construct, extend, expand, or maintain internet service as determined appropriate by the political subdivision. Investment in infrastructure allowed in this subsection (4)(c) may be:

(i) in cooperation with a private internet service provider; or

(ii) provided through an agreement or contract with a private internet service provider.""

**Renumber:** subsequent sections

4. Page 2, line 20 through line 21.

Strike: lines 20 and line 21 in their entirety

And, as amended, do pass. Report adopted.

**HB 450**, do pass. Report adopted.

**HB 496**, do pass. Report adopted.

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**TAXATION** (Beard, Chair):

2/26/2021

**HB 526**, do pass. Report adopted.

**HB 616**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/24/2021

**SB 163**, introduced by C. Glimm

**SB 174**, introduced by G. Hertz

**SB 182**, introduced by G. Hertz

**SB 184**, introduced by M. Blasdel

**SB 190**, introduced by T. Gauthier

**SB 193**, introduced by S. Hinebauch

**SB 196**, introduced by T. McGillvray

**SB 231**, introduced by M. Blasdel

**MESSAGES FROM THE GOVERNOR**

February 26, 2021

The Honorable Wylie Galt  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Speaker Galt:

On Friday, February 26, 2021, I signed the following bills:

House Bill 41 – Funk

House Bill 51 – Hamilton

House Bill 54 – Seekins-Crowe

House Bill 62 – Hopkins

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE  
Governor

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**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 619**, introduced by S. Kerns, referred to Taxation.

**HB 620**, introduced by A. Regier, D. Bartel, J. Gillette, T. Moore, M. Regier, K. Seekins-Crowe, L. Sheldon-Galloway, C. Glimm, S. Hinebauch, D. Howard, K. Regier, referred to Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 163**, introduced by C. Glimm, M. Cuffe, D. Skees, R. Osmundson, K. Regier, C. Smith, B. Brown, T. Manzella, M. Noland, B. Tschida, L. Sheldon-Galloway, J. Ellsworth, N. Duram, J. Fuller, J. Kassmier, B. Mitchell, P. Fielder, S. Galloway, C. Hinkle, referred to Natural Resources.

**SB 174**, introduced by G. Hertz, S. Fitzpatrick, M. Blasdel, W. Galt, S. Berglee, C. Knudsen, T. Gauthier, K. Zolnikov, referred to Local Government.

**SB 182**, introduced by G. Hertz, D. Skees, S. Fitzpatrick, C. Smith, M. Blasdel, L. Jones, W. Galt, M. Noland, C. Knudsen, B. Usher, S. Vinton, J. Ellsworth, referred to Taxation.

**SB 184**, introduced by M. Blasdel, E. Buttrey, S. Fitzpatrick, R. Osmundson, D. Kary, C. Smith, G. Vance, B. Hoven, G. Hertz, W. Galt, F. Garner, C. Knudsen, S. Vinton, T. Welch, B. Beard, J. Ellsworth, J. Dooling, referred to Taxation.

**SB 190**, introduced by T. Gauthier, referred to Business and Labor.

**SB 193**, introduced by S. Hinebauch, referred to Taxation.

**HB 196**, introduced by E. Buttrey, F. Garner, referred to State Administration.

**SB 231**, introduced by M. Blasdel, W. Galt, C. Knudsen, J. Ellsworth, referred to Natural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Vinton moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative R. Knudsen in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 92** - Representative Kelker moved **HB 92** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Hinkle J, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Reksten, Ricci,

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Running Wolf, Schillinger, Seekins-Crowe, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Windy Boy, Zolnikov, Mr. Speaker.

Total 88

Nays: Beard, Berglee, Binkley, Dooling, Duram, Fielder, Galloway, Hill, Holmlund, Regier M, Sheldon-Galloway, Whitman.

Total 12

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 258** - Representative J. Hinkle moved **HB 258** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 328** - Representative Keogh moved **HB 328** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer,

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Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, McKamey, Novak, Olsen, Putnam, Reksten, Ricci, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 56

Nays: Bartel, Beard, Berglee, Binkley, Brewster, Carlson, Dooling, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gunderson, Hill, Hinkle C, Hinkle J, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Zolnikov, Mr. Speaker.

Total 44

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 391** - Representative Fleming moved **HB 391** do pass.

**HB 391** - Representative Fleming moved **HB 391**, second reading copy, be amended as follows:

1. Page 1, line 28.

**Following:** "not"

**Strike:** "less than 10 years or" Amendment adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: Hawk, Sheldon-Galloway.

Total 2

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 391** - Representative Fleming moved **HB 391**, as amended, do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 405** - Representative Hamilton moved **HB 405** do pass.

**HB 405** - Representative Hamilton moved **HB 405**, second reading copy, be amended as follows:

1. Title, line 11.

**Following:** "13-10-211,"

**Strike:** "13-10-326,"

2. Page 1, line 27.

**Strike:** "1 day"

**Insert:** "5 days"

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3. Page 2, line 18.

**Following:** "(1)(b)."

**Strike:** "but no later than 3 days after the deadline for the candidate to file for office,"

4. Page 2, line 23.

**Strike:** "1 day"

**Insert:** "5 days"

5. Page 2, line 26.

**Following:** "official"

**Insert:** "general election"

**6. Page 2, line 28.**

**Following:** "official"

**Insert:** "general election"

7. Page 5, line 2.

**Strike:** "[section 10]"

**Insert:** "[section 9]"

8. Page 5, line 21.

**Strike:** "[section 10]"

**Insert:** "[section 9]"

9. Page 6, line 22.

**Strike:** "[section 10]"

**Insert:** "[section 9]"

10. Page 7, line 21 through page 8, line 7.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

11. Page 8, line 24.

**Strike:** "[section 10(1)(b)]"

**Insert:** "[section 9(1)(b)]"

12. Page 8, line 27 through line 28.

**Strike:** "[section 10(1)(b)]"

**Insert:** "[section 9(1)(b)]"

13. Page 10, line 1.

**Strike:** "[section 10]"

**Insert:** "[section 9]"



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14. Page 10, line 19.

**Following:** "on"

**Insert:** ":

(a)"

15. Page 10, line 20 through line 21.

**Strike:** ":" on line 20 through "(a)" on line 21

16. Page 10, line 22.

**Following:** "(b)"

**Insert:** "the official ballot for a general election if the candidate fails to file"

17. Page 11, line 1.

**Following:** "ballot"

**Insert:** "for the relevant election or elections"

18. Page 11, line 2.

**Strike:** "[section 10(1)(b)]"

**Insert:** "[section 9(1)(b)]"

19. Page 12, line 15.

**Strike:** "[Section 10]"

**Insert:** "[Section 9]"

20. Page 12, line 16 through line 17.

**Strike:** "[section 10]"

**Insert:** "[section 9]"

Amendment adopted as follows:

Yeas: Abbott, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Galloway, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Ler, Loge, Marler, Marshall, McKamey, Mercer, Moore, Nave, Novak, Olsen, Patelis, Putnam, Regier A, Reksten, Ricci, Running Wolf, Seekins-Crowe, Sheldon-Galloway, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Windy Boy, Mr. Speaker.

Total 67

Nays: Anderson, Bartel, Beard, Berglee, Binkley, Carlson, Duram, Fielder, Fleming, Fuller, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kerns, Knudsen C, Knudsen R, Lenz, Malone, Mitchell, Noland, Phalen, Read, Regier M, Schillinger, Skees, Stromswold, Tschida, Usher, Whitman, Zolnikov.

Total 33

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Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 405** - Representative Hamilton moved **HB 405**, as amended, do pass. Motion **failed** as follows:

Yeas: Abbott, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Funk, Greef, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Read, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Whiteman Pena, Windy Boy.

Total 37

Nays: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 63

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 406** - Representative Noland moved **HB 406** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore,

Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

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Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 425** - Representative Schillinger moved **HB 425** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 435** - Representative Mercer moved **HB 435** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore,

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Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Trebas, Weatherwax, Whiteman Pena, Windy Boy.

Total 34

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 441** - Representative Kortum moved **HB 441** do pass. Motion **failed** as follows:

Yeas: Abbott, Bedey, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Frazer, Funk, Garner, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Malone, Marler, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 39

Nays: Anderson, Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Fleming, Fuller, Galloway, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 61

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 444** - Representative Buttrey moved **HB 444** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: Olsen.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: Mitchell.

Total 1

**HB 459** - Representative Lenz moved **HB 459** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Tenenbaum, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 71

Nays: Abbott, Bishop, Buckley, Caferro, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Moore, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 29

Voted absentee: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 469** - Representative Novak moved **HB 469** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gillette, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Reksten, Ricci, Running Wolf, Seekins-Crowe,

Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 95

Nays: Galloway, Gist, Regier M, Schillinger, Tschida.

Total 5

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 472** - Representative M. Regier moved **HB 472** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler,

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Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.  
Total 33

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 480** - Representative Mercer moved **HB 480** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 483** - Representative C. Knudsen moved **HB 483** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen,

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Putnam, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 92

Nays: Bartel, Carlson, Hinkle J, Mitchell, Read, Skees, Tschida, Usher.

Total 8

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 118** - Representative Noland moved **SB 118** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger,

Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



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Majority Leader Vinton moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair R. Knudsen moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Moore, Nave, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Zolnikov, Mr. Speaker.  
Total 92

Nays: Abbott, Caferro, Karjala, Knudsen R, Olsen, Windy Boy.  
Total 6

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: Mitchell, Noland.  
Total 2

**APPROPRIATIONS** (Jones, Chair): 2/26/2021  
**HB 233**, do pass. Report adopted.

**BUSINESS AND LABOR** (Noland, Chair): 2/26/2021  
**HB 251**, introduced bill, be amended as follows:

1. Page 1, line 14.  
Strike: "11"  
Insert: "10"

2. Page 1, line 23.  
Strike: "11"  
Insert: "10"

3. Page 2, line 26.  
Strike: "11"  
Insert: "10"

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4. Page 3, line 1.

Strike: "11"

Insert: "10"

5. Page 3, line 2.

Strike: "11"

Insert: "10"

6. Page 3, line 15.

Strike: "11"

Insert: "10"

7. Page 3, line 18.

Strike: "11"

Insert: "10"

8. Page 3, line 21.

Strike: "11"

Insert: "10"

9. Page 3, line 26 through line 27.

Strike: section 10 in its entirety

Renumber: subsequent sections

10. Page 5, line 28.

Strike: "11"

Insert: "10"

11. Page 6, line 2.

Strike: "11"

Insert: "10"

And, as amended, do pass. Report adopted.

**HB 378**, introduced bill, be amended as follows:

1. Page 4, line 19.

Strike: "2022"

Insert: "2023"

2. Page 4, line 22.

Strike: "2022"

Insert: "2023"

And, as amended, do pass. Report adopted.

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**HB 440**, introduced bill, be amended as follows:

1. Title, line 5.

Following: the second "TO"

Strike: "CRUSH AND"

2. Title, line 6 through line 8.

Strike: "ALLOWING" on line 6 through "ROOM;" on line 8

3. Title, line 8.

Strike: "SECTIONS"

Insert: "SECTION"

4. Title, line 8.

Following: "16-3-411"

Strike: "AND 16-3-418"

5. Page 1, line 17 through line 18.

Strike: "a" on line 17 through "(2)" on line 18

Insert: "the winery directly to the consumer"

6. Page 1.

Following: line 19

Insert: "(d) provide, without charge, wine it produces for consumption at the winery;"

**Renumber:** subsequent subsections

7. Page 2, line 1.

Following: "(2)"

Strike: "(a)"

8. Page 2, line 2.

Following: "shall"

Strike: "crush and"

9. Page 2, line 4 through line 8.

Strike: subsection (b) in its entirety

10. Page 2, line 12.

Strike: "6,000"

Insert: "4,500"

11. Page 3, line 8 through line 24.

Strike: section 2 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

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**HB 445**, do pass. Report adopted.  
**HB 446**, do pass. Report adopted.  
**HB 453**, do pass. Report adopted.  
**HB 477**, do pass. Report adopted.  
**HB 493**, do pass. Report adopted.  
**HB 510**, do pass. Report adopted.  
**HB 548**, do pass. Report adopted.  
**HB 558**, do pass. Report adopted.  
**HB 564**, do pass. Report adopted.  
**HB 566**, do pass. Report adopted.  
**HB 600**, introduced bill, be amended as follows:

1. Page 1, line 20.  
Following: "spouse of"  
Strike: "a"  
Insert: "an unemployed"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Usher, Chair):

2/26/2021

**HB 355**, introduced bill, be amended as follows:

1. Title, line 5 through line 6.  
Following: "JUSTICES"  
Strike: "," on line 5 through "PEACE" on line 6

2. Title, line 6.  
Following: "PEACE;"  
Insert: "ALLOWING POLITICAL PARTY COMMITTEES TO CONTRIBUTE TO A CANDIDATE FOR SUPREME COURT JUSTICE;"

3. Title, line 6 through line 7.  
Strike: "3-5-201," on line 6 through "3-10-206," on line 7

4. Title, line 7.  
Following: "13-14-111,"  
Insert: "13-14-211, 13-14-212,"

5. Title, line 7.  
Strike: "13-14-118"  
Insert: "13-35-231"

6. Title, line 7 through line 8.  
Strike: "REPEALING" on line 7 through "MCA;" on line 8

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7. Page 1, line 21.

Strike: "4"

Insert: "2"

8. Page 1.

Following: line 25

Insert: "**NEW SECTION. Section 2. Form of ballot for supreme court justice retention election.**

(1) If the only candidate for an office of supreme court justice or the supreme court chief justice is the incumbent, the name of the incumbent must be placed on the official ballot for general election as follows:

Shall (insert title of officer) (insert name of the incumbent officer) of the (insert title of the court) of the state of Montana be retained in office for another term?

(2) Following the question, provision must be made, subject to rules adopted pursuant to 13-12-202, for a voter to indicate a "yes" or a "no" vote. The form must include the incumbent's political party designation and may not include a write-in space for the office."

**Renumber:** subsequent sections

9. Page 1, line 26 through page 3, line 9.

**Strike:** sections 2 through 5 in their entirety

**Renumber:** subsequent sections

10. Page 3, line 13.

Following: "offices;"

Insert: "including judicial offices, other than the office of the supreme court,"

11. Page 3, line 16 through page 4, line 1.

Strike: section 7 in its entirety

Insert: "**Section 4.** Section 13-14-211, MCA, is amended to read:

**"13-14-211. Judicial District and county judicial offices separate and independent offices for election purposes.** ~~(1) Each vacancy for justice of the supreme court is a separate and independent office for election purposes. The chief justice of the supreme court shall assign an individual number to the justices and certify these numbers to the office of the secretary of state.~~

~~(2) Each vacancy for judicial office in a district that has more than one district judge is a separate and independent office for election purposes.~~

(3)(1) Each vacancy for judicial office in a district that has more than one district judge is a separate and independent office for election purposes.

(2) Each vacancy for office in a county that has more than one justice of the peace is a separate and independent office for election purposes."

**Insert:** "**Section 5.** Section 13-14-212, MCA, is amended to read:

**"13-14-212. Form of ballot on retention of certain incumbent judicial officers.** (1) If the incumbent is the only candidate for the office of ~~chief justice, supreme court justice, district court judge; or justice of the peace,~~ the election administrator may not include a nonpartisan designation or write-in space for the office on the general election ballot. The name of the incumbent must be placed on the official ballot for the general election as follows:

Shall (insert title of officer) (insert name of the incumbent officer) of the (insert title of the court) of the state of Montana be retained in office for another term?

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(2) Following the question, provision must be made, subject to rules adopted pursuant to 13-12-202, for a voter to indicate a "yes" or "no" vote.""

**Insert:** "Section 6. Section 13-35-231, MCA, is amended to read:

**"13-35-231. Unlawful for political party to contribute to nonpartisan judicial candidate.** A political party may not contribute to a nonpartisan judicial candidate.""

**Renumber:** subsequent sections

12. Page 4, line 3 through line 6.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

13. Page 4, line 8.

Strike: "4"

Insert: "2"

14. Page 4, line 9.

Strike: "4"

Insert: "2"

15. Page 4, line 15.

Following: the first "court"

Strike: ", district court, or justice of the peace"

And, as amended, do pass. Report adopted.

**HB 358**, introduced bill, be amended as follows:

1. Page 1, line 15.

Strike: "recent"

Insert: "2020"

2. Page 2, line 8.

Following: "for"

Insert: "\$10,000 or more in"

Following: "monetary"

Insert: "compensation"

3. Page 2.

Following: line 14

Insert: "(4) "Monetary compensation" includes money and anything of financial value that is used by a governmental entity to resolve a claim, including but not limited to paid administrative leave and reinstatement or rehiring of a terminated employee."

**Renumber:** subsequent subsections

4. Page 2, line 20 through line 21.

Following: "entities." on line 20

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Strike: remainder of line 20 through line 21 in their entirety

5. Page 2, line 23.

Following: "college,"

Insert: "or"

Following: "university"

Strike: ", or other instrumentality"

6. Page 3, line 2.

Following: "in"

Strike: "a"

7. Page 3, line 3.

Strike: "settlement"

Insert: "compensation"

8. Page 3, line 5.

Following: "(d) the"

Strike: "dollar"

9. Page 3, line 5.

Strike: "of the"

Insert: "of monetary compensation contained in the"

Following: "settlement;"

Insert: "and"

10. Page 3, line 6.

Following: "(e) a"

Insert: "brief"

11. Page 3, line 7.

Following: the first "state"

Insert: "at issue"

Strike: "that caused the state to find it was"

12. Page 3, line 7.

Following: "in"

Strike: "its best interests to settle"

13. Page 3, line 7 through line 9.

Strike: "; and" on line 7 through "settlement" on line 9

14. Page 3, line 14.

Following: "disclosure"

Insert: "under subsection (1)"

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Strike: "and is designated confidential information as defined in 2-6-1002"

15. Page 3, line 20.

Strike: "(1)(f)"

Insert: "(1)(e)"

16. Page 3.

Following: line 23

Insert: "(7) Among the records to be maintained pursuant to 2-9-303(1)(b) are documents from the state:

(a) certifying that no condition or limitation precludes the use of the funds utilized to pay the settlement or other monetary compensation or damages;

(b) describing the conduct, acts, or omissions by one or more employees, officers, or agents of the state and other relevant factors that caused the state to find it was in the state's best interests to settle the case; and

(c) the settlement terms.

(8) When a governmental entity provides monetary compensation other than money to resolve a claim, the governmental entity must evaluate the value conveyed pursuant to the settlement or compromise to determine whether it meets the \$10,000 threshold requiring disclosure under this section."

17. Page 3, line 25.

Following: "**claims.**"

Insert: "(1)"

18. Page 3, line 27.

Strike: "(1)"

Insert: "(a)"

19. Page 3, line 27.

Following: the first "demands"

Insert: ", exclusive of initial demands made in mediations or settlement conferences in which court rules or orders preclude disclosure of demands,"

20. Page 3, line 27.

Strike: "money"

Insert: "monetary compensation"

21. Page 4, line 1.

Strike: "(2)"

Insert: "(b) except as provided in subsection (2),"

Following: "all"

Strike: "civil and administrative"

Following: "filed"

Insert: "with a court or agency"

22. Page 4, line 1.



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Strike: "is aware"  
Insert: "has knowledge"

23. Page 4.  
Following: line 2  
Insert: "(2) The provisions of subsection (1)(b) do not apply to an employee or official in the judicial branch."

24. Page 4, line 27.  
Strike: the first "9"  
Insert: "6"

25. Page 4, line 27.  
Following: "9,"  
Insert: "part 10,"

26. Page 4, line 27.  
Strike: the second "9"  
Insert: "6"

27. Page 4, line 27.  
Following: "9,"  
Insert: "part 10,"  
And, as amended, do pass. Report adopted.

**JUDICIARY** (Usher, Chair):

2/26/2021

**HB 402**, introduced bill, be amended as follows:

1. Page 2, line 9.  
**Following:** "the"  
**Insert:** "repairs, the"  
**Following:** "damages"  
**Insert:** ", "

2. Page 3, line 3.  
**Strike:** "shall"  
**Insert:** "may"

3. Page 3, line 5.  
**Strike:** "shall"  
**Insert:** "may"

4. Page 4, line 19.  
**Strike:** "shall"  
**Insert:** "may"

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5. Page 4, line 21.

**Strike:** "shall"

**Insert:** "may"

And, as amended, do pass. Report adopted.

**HB 449**, introduced bill, be amended as follows:

1. Page 2, line 13.

**Strike:** "There"

**Insert:** "If electronic monitoring is available, there"

2. Page 2, line 21.

**Strike:** "On conviction, the"

**Insert:** "The"

3. Page 2, line 22.

**Strike:** "the sentence"

**Insert:** "release"

4. Page 2, line 22.

**Strike:** "reimburse the providing agency"

**Insert:** "pay"

5. Page 2, line 23.

**Following:** "monitoring."

**Insert:** "If the defendant has not paid for electronic monitoring as a condition of release, on conviction, the court shall require as a condition of the sentence that the defendant reimburse the providing agency for the costs of electronic monitoring, unless the court determines that the defendant is not or will not be able to pay the costs."

And, as amended, do pass. Report adopted.

**HB 479**, introduced bill, be amended as follows:

1. Page 2, line 9.

**Following:** "(5)"

**Insert:** "(a)"

2. Page 2, line 11.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

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3. Page 2.

Following: line 18

Insert: "(b) The term does not include customer proprietary network information as defined in 47 U.S.C. 222(h)(1)."

4. Page 2, line 28.

Strike: "(a)"

5. Page 2, line 28 through page 3, line 2

**Following:** "warrant" on line 28

**Strike:** "; and" on line 28 through "(2)(a)" on page 3, line 2

6. Page 3, line 3 through line 8.

Strike: subsections (3) and (4) in their entirety

Insert: "(3) The electronic communications collected under 46-5-602 must be deleted after the conclusion of the criminal investigation, postconviction and after all appeals have been exhausted, or in accordance with data retention requirements under the law.

(4) The warrant and investigative subpoena requirements of this section do not apply to the electronic communications of adults or youth currently incarcerated in a correctional facility."

And, as amended, do pass. Report adopted.

**HB 499**, introduced bill, be amended as follows:

1. Page 1, line 20.

Strike: subsection (A) in its entirety

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

**HB 501**, introduced bill, be amended as follows:

1. Page 1, line 24.

Following: "a"

Insert: "public"

Following: "place"

Insert: "paid for in whole or in part with taxpayer funds"

And, as amended, do pass. Report adopted.

**HB 519**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "GIVEN"

Insert: "AT FIRST"

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2. Page 1, line 11 through line 12.

Strike: "in" on line 11 through "parent" on line 12

Insert: "by beginning with equal consideration given to each parent"

3. Page 1, line 12.

Strike: "The court shall consider"

Insert: "The court may then adjust parenting time by considering"

5. Page 1, line 13.

Following: "factors"

Insert: "to ensure the best interest of the child"

And, as amended, do pass. Report adopted.

**HB 559**, do pass. Report adopted.

**HB 602**, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "database"

Insert: ":

(a)"

2. Page 1, line 14.

Strike: "."

Insert: "; or

(b) unless the consumer whose information is sought previously waived the consumer's right to privacy in the information."

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (McKamey, Chair):

2/26/2021

**HB 506**, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "ballot"

Insert: "submitted by the individual"

2. Page 1, line 18 through line 19.

Strike: "issued" on line 18 through "ballot" on line 19

Insert: "processed and counted by the election administrator"

And, as amended, do pass. Report adopted.

**HB 611**, do pass. Report adopted.

**HB 618**, do pass. Report adopted.

**HJR 21**, do pass. Report adopted.

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 57** passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 90** passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

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Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 291** passed as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Nave, Noland, Novak, Olsen, Patelis, Putnam, Regier A, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 92

Nays: Bartel, Berglee, Binkley, Moore, Phalen, Read, Regier M, Trebas.

Total 8

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 300** passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax,

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Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: Harvey.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 307** passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Noland, Novak, Patelis, Phalen, Putnam, Regier A, Regier M, Reksten, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 95

Nays: Hayman, Nave, Olsen, Read, Ricci.

Total 5

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 373** passed as follows:

Yeas: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Funk, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Loge, Malone,

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Marler, McKamey, Mercer, Novak, Olsen, Patelis, Putnam, Reksten, Ricci, Running Wolf, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Mr. Speaker.

Total 67

Nays: Bartel, Beard, Berglee, Binkley, Brewster, Carlson, Duram, Fuller, Galloway, Gunderson, Hill, Hinkle C, Hinkle J, Kerns, Lenz, Ler, Marshall, Mitchell, Moore, Nave, Noland, Phalen, Read, Regier A, Regier M, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Tschida, Usher, Vinton, Zolnikov.

Total 33

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 374** passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Funk, Garner, Gillette, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Loge, Malone, Marler, McKamey, Novak, Olsen, Patelis, Putnam, Read, Reksten, Ricci, Running Wolf, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Welch, Whiteman Pena, Whitman.

Total 63

Nays: Berglee, Binkley, Duram, Fielder, Fuller, Galloway, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kerns, Lenz, Ler, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Phalen, Regier A, Regier M, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stromswold, Trebas, Tschida, Usher, Vinton, Weatherwax, Windy Boy, Zolnikov, Mr. Speaker.

Total 37

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



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**HB 428** passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler,

Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 463** passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: Olsen.

Total 1

Voted absentee: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 478** passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative A. Regier moved to reconsider action on **HB 415** and that **HB 415** be placed on second reading on the 42<sup>nd</sup> Legislative Day.

Motion **failed** as follows:

Yeas: Bartel, Beard, Berglee, Binkley, Brewster, Carlson, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Hopkins, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 47

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Nays: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Marler, McKamey, Novak, Olsen, Patelis, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 53

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kerns moved to reconsider action on **HB 185** and that **HB 185** be placed on second reading on the 42<sup>nd</sup> Legislative Day.

Motion **failed** as follows:

Yeas: Bartel, Berglee, Binkley, Carlson, Duram, Fielder, Fleming, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Hopkins, Kassmier, Kerns, Knudsen C, Knudsen R, Ler, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Phalen, Read, Regier A, Regier M, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 42

Nays: Abbott, Anderson, Beard, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Fuller, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Lenz, Loge, Marler, McKamey, Novak, Olsen, Patelis, Putnam, Reksten, Ricci, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 58

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Majority Leader Vinton moved to re-refer **HB 391** the Appropriations Committee. Without objection, so ordered.

Majority Leader Vinton moved to re-refer **HB 406** the Appropriations Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Vinton moved the House adjourn until 8:00 a.m., Saturday, February 27, 2021. Motion carried.

House adjourned at 3:56 p.m.

CAROLYN TSCHIDA  
Chief Clerk of the House

WYLIE GALT  
Speaker of the House

**HOUSE JOURNAL  
67TH LEGISLATURE  
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 27, 2021

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker presiding. Invocation by Representative Skees.  
Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Garner, excused. Quorum present.

**BILLS** (J. Hinkle, Chair):

2/27/2021

Correctly printed: **HB 92, HB 155, HB 233, HB 258, HB 328, HB 356, HB 360, HB 364, HB 369, HB 406, HB 425, HB 435, HB 444, HB 445, HB 446, HB 450, HB 453, HB 459, HB 469, HB 472, HB 477, HB 480, HB 483, HB 484, HB 493, HB 495, HB 496, HB 497, HB 510, HB 526, HB 548, HB 558, HB 559, HB 564, HB 566, HB 574, HB 611, HB 616, HB 618, HB 619, HB 620, HJR 21, SB 118.**

Correctly engrossed: **HB 91, HB 121, HB 147, HB 230, HB 468, HB 481, HB 485, HB 499, HB 501, HB 527, HB 549, HB 576, HB 614, HJR 16.**

Transmitted to the Senate: **HB 92, HB 233, HB 258, HB 328, HB 334, HB 425, HB 444, HB 459, HB 469, HB 472, HB 480, HB 483, SB 118.**

**UNFINISHED BUSINESS**

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 585**.  
Motion carried.

**HB 585** (S. Galloway, Chief Sponsor)

B. Beard, S. Berglee, M. Binkley, J. Fuller, J. Gillette, S. Gunderson, E. Hill, S. Kerns, M. Malone, J. Schillinger, B. Brown.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HJR 17**.  
Motion carried.

**HJR 17** (M. Marler, Chief Sponsor)

W. Curdy, R. Fitzgerald, T. France, S. Galloway, S. Gist, R. Knudsen, M. Malone, B. Putnam, K. Walsh.

**REPORTS OF STANDING COMMITTEES**

**ENERGY, TECHNOLOGY AND FEDERAL RELATIONS** (Skees, Chair):

2/24/2021

**HB 494**, do pass. Report adopted.

**HB 576**, introduced bill, be amended as follows:

1. Page 5, line 19.

Strike: "69-3-2003(4)(a)"

Insert: "subsection (6)"

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And, as amended, do pass. Report adopted.

**HJR 16**, introduced joint resolution, be amended as follows:

1. Page 1.

Following: line 11

Insert: "WHEREAS, Montana residents of Richland County and Wibaux County who would choose to get their television news from Billings, Montana, sources are located in the North Dakota Direct Marketing area and should also have opportunity to follow Montana news; and"

2. Page 1, line 19.

Strike: "the northwest"

Insert: "their"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Usher, Chair):

2/24/2021

**HB 553**, do pass. Report adopted.

**TRANSPORTATION** (Loge, Chair):

2/24/2021

**HB 562**, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**House bill** passed and transmitted to the House for concurrence:

2/25/2021

**HB 143**, introduced by L. Jones

**Senate bills** passed and transmitted to the House for concurrence:

2/25/2021

**SB 29**, introduced by B. Gillespie

**SB 51**, introduced by J. Ellsworth

**SB 91**, introduced by G. Vance

**SB 154**, introduced by J. Small

**SB 175**, introduced by D. Kary

**SB 183**, introduced by G. Hertz

**SB 211**, introduced by S. Fitzpatrick

**SB 216**, introduced by J. Small

**SB 219**, introduced by D. Howard

**SB 222**, introduced by T. Gauthier

**SB 223**, introduced by T. Gauthier

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**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 621**, introduced by J. Windy Boy, A. Buckley, T. Running Wolf, F. Smith, E. Stafman, S. Stewart Peregoy, M. Thane, R. Whiteman Pena, referred to Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

**SB 29**, introduced by B. Gillespie (by request of the Water Policy Interim Committee), referred to Natural Resources.

**SB 51**, introduced by J. Ellsworth (by request of the Economic Affairs Interim Committee), referred to Taxation.

**SB 91**, introduced by G. Vance, referred to State Administration.

**SB 154**, introduced by J. Small, referred to Taxation.

**SB 175**, introduced by D. Kary, referred to State Administration.

**SB 183**, introduced by G. Hertz, referred to Energy, Technology and Federal Relations.

**SB 211**, introduced by S. Fitzpatrick, referred to Local Government.

**SB 216**, introduced by J. Small, referred to Human Services.

**SB 219**, introduced by D. Howard, D. Salomon, S. Fitzpatrick, K. Regier, M. Blasdel, J. Cohenour, B. Keenan, G. Hertz, M. Lang, R. Lynch, S. Berglee, B. Brown, J. Hinkle, M. Noland, V. Ricci, S. Hinebauch, J. Patelis, J. Ellsworth, K. Bogner, B. Gillespie, M. Sweeney, K. Seekins-Crowe, referred to Judiciary.

**SB 222**, introduced by T. Gauthier, referred to Judiciary.

**SB 223**, introduced by T. Gauthier, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Vinton moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ler in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 539** - Majority Leader Vinton moved consideration of **HB 539** be passed for the day. Without objection, so ordered.

**HB 121** - Representative Bedey moved **HB 121** do pass.

**HB 121** - Representative Buttrey moved **HB 121**, second reading copy, be amended as follows:

1. Page 7, line 1.

**Following:** "representatives"

**Strike:** ", WITHOUT OBJECTION FROM THE MAJORITY OF THE GOVERNING BODY,"

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Amendment adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: Hill.

Total 1

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 121** - Representative Bedey moved **HB 121**, as amended, do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 70

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Funk, Hamilton, Harvey, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 30

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1



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Absent or not voting: None.

Total 0

**HB 230** - Representative M. Regier moved **HB 230** do pass.

**HB 230** - Representative Mercer moved **HB 230**, second reading copy, be amended as follows:

1. Page 5, line 25 through line 27.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

Amendment adopted as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 34

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 230** - Representative M. Regier moved **HB 230**, as amended, do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore,

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Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 264** - Representative Fitzgerald moved **HB 264** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

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**HB 289** - Representative M. Regier moved **HB 289** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.  
Total 83

Nays: Brewster, Caferro, Dunwell, Farris-Olsen, Frazer, Hamilton, Hayman, Kerr-Carpenter, Kortum, Olsen, Smith, Stafman, Stewart Peregoy, Tenenbaum, Weatherwax, Whiteman Pena, Windy Boy.  
Total 17

Voted absentee: Garner, Aye.

Excused: Garner.  
Total 1

Absent or not voting: None.  
Total 0

**HB 404** - Representative Patelis moved **HB 404** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gist, Gunderson, Harvey, Hinkle C, Hinkle J, Hopkins, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Malone, Marshall, Mitchell, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stewart Peregoy, Stromswold, Tschida, Usher, Vinton, Walsh, Zolnikov, Mr. Speaker.  
Total 55

Nays: Abbott, Anderson, Bedey, Bishop, Buckley, Buttrey, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Gillette, Greef, Hamilton, Hawk, Hayman, Hill, Holmlund, Jones, Karjala, Keane, Kelker, Keogh, Kortum, Loge, Marler, McKamey, Mercer, Moore, Nave, Olsen, Reksten, Running Wolf, Stafman, Sullivan, Tenenbaum, Thane, Trebas, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.  
Total 45

Voted absentee: Garner, Aye.

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Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 437** - Representative Keane moved **HB 437** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: Olsen.

Total 1

**HB 438** - Representative Galloway moved **HB 438** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

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Nays: None.

Total 0

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: Mitchell, Olsen.

Total 2

**HB 448** - Representative Kassmier moved **HB 448** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Bishop, Buckley, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Hayman, Hill, Hinkle C, Hinkle J, Hopkins, Jones, Karjala, Kassmier, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, Mitchell, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 83

Nays: Binkley, Brewster, Buttrey, France, Harvey, Hawk, Holmlund, Keane, McKamey, Mercer, Moore, Regier A, Regier M, Smith, Weatherwax, Whiteman Pena, Windy Boy.

Total 17

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 454** - Representative Ricci moved **HB 454** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf,

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Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 462** - Representative Stromswold moved **HB 462** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 476** - Representative Whitman moved **HB 476** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Bertoglio, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Fern, Fitzgerald, Fleming, Frazer, Funk, Garner, Gillette, Gist,

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Greef, Gunderson, Harvey, Hawk, Hayman, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Kerr-Carpenter, Knudsen C, Kortum, Loge, Malone, Marshall, McKamey, Mitchell, Novak, Patelis, Putnam, Running Wolf, Seekins-Crowe, Sheldon-Galloway, Smith, Stewart Peregoy, Sullivan, Thane, Trebas, Walsh, Weatherwax, Welch, Whitman, Windy Boy, Mr. Speaker.

Total 61

Nays: Berglee, Binkley, Bishop, Carlson, Duram, Farris-Olsen, Fielder, France, Fuller, Galloway, Hamilton, Hill, Keogh, Kerns, Knudsen R, Lenz, Ler, Marler, Mercer, Moore, Nave, Noland, Olsen, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Skees, Stafman, Stromswold, Tenenbaum, Tschida, Usher, Vinton, Whiteman Pena, Zolnikov.

Total 39

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 482** - Representative Gunderson moved **HB 482** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

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**HB 491** - Representative Funk moved **HB 491** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: Marshall.

Total 1

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 503** - Representative Lenz moved **HB 503** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: Garner, Aye.



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Excused: Garner.

Total 1

Absent or not voting: Mercer.

Total 1

**HB 509** - Representative Tenenbaum moved **HB 509** do pass. Motion carried as follows:

Yeas: Abbott, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Gillette, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Kortum, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Moore, Nave, Novak, Olsen, Putnam, Regier M, Reksten, Running Wolf, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 68

Nays: Anderson, Bartel, Beard, Berglee, Binkley, Brewster, Dooling, Fielder, Fleming, Fuller, Galloway, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kassmier, Kerns, Knudsen R, Lenz, Mitchell, Noland, Patelis, Phalen, Read, Regier A, Ricci, Schillinger, Sheldon-Galloway, Skees, Tschida, Usher.

Total 32

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 530** - Representative McKamey moved **HB 530** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 100

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Nays: None.

Total 0

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 555** - Representative M. Regier moved **HB 555** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Zolnikov, Mr. Speaker.

Total 97

Nays: Karjala, Keane, Windy Boy.

Total 3

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 556** - Representative Walsh moved **HB 556** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger,

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Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 95

Nays: Binkley, Hill, Hinkle C, Lenz, Tschida.

Total 5

Voted absentee: Garner, Aye.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**SB 140** - Representative A. Regier moved **SB 140** be concurred in.

**SB 140** - Representative France moved **SB 140**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "APPOINTMENTS;"

**Insert:** "ALLOWING A GOVERNOR TO SELECT A SECOND LIST OF NOMINEES FOR A JUDICIAL VACANCY; REVISING THE TERMS OF LAY MEMBERS OF THE JUDICIAL NOMINATION COMMISSION TO COINCIDE WITH THE GOVERNOR'S TERM; PROVIDING THAT CURRENT LAY MEMBERS' TERMS EXPIRE ON THE EFFECTIVE DATE OF THIS ACT;"

2. Title, line 5 through line 7.

**Strike:** "PROVIDING" on line 5 through "COMMISSION;" on line 7

3. Title, line 7 through line 8.

**Strike:** "2-15-1707," on line 7 through "3-1-1001," on line 8

4. Title, line 8.

**Strike:** "3-1-1003, 3-1-1004, 3-1-1005, 3-1-1006,"

5. Title, line 9.

**Strike:** "3-1-1008, 3-1-1009, 3-1-1010,"

**Following:** "3-1-1011,"

**Insert:** "AND"

**Following:** "3-1-1012,"

**Strike:** "3-1-1013, AND 3-1-1014,"

6. Page 1, line 14 through page 7, line 5.

**Strike:** everything after the enacting clause

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**Insert: "Section 1.** Section 3-1-1002, MCA, is amended to read:

**"3-1-1002. Staggered terms**~~Terms of members.~~ (1) ~~Members of~~ The two attorneys and the district court judge who serve on the commission shall serve staggered 4-year terms.

(2) Beginning January 1, 2025, the four lay members appointed by the governor shall serve 4-year terms that run concurrently with the governor's term.

~~(2)(3)~~ A member may not serve more than two full 4-year terms.""

**Insert: "Section 2.** Section 3-1-1007, MCA, is amended to read:

**"3-1-1007. Commission to make rules -- confidentiality of proceedings.** (1) The commission shall adopt and publish rules:

(a) for the conduct of its affairs and the format of reports filed under 3-1-1010;

(b) establishing a procedure for providing the public with notice of a vacancy within 10 days of receipt of the notice of the vacancy;

(c) establishing an application period of not less than 30 days from the date of public notice under subsection (1)(b) and the procedure for applying for a position; and

(d) establishing a reasonable period for reviewing applications and interviewing applicants that provides at least 30 days for public comment concerning applicants.

(2) A copy of the rules must be filed with the clerk of the supreme court.

(3) The total time from receipt of notice of a vacancy until a list of names is submitted to the governor or chief justice may not exceed 90 days unless a second list is requested by the governor pursuant to 3-1-1011(2).

(4) The proceedings of the commission and the related documents ~~shall~~ must be open to the public except when the demands of individual privacy clearly exceed the merits of public disclosure.""

**Insert: "Section 3.** Section 3-1-1011, MCA, is amended to read:

**"3-1-1011. Governor or chief justice of the supreme court to nominate from list -- request for additional names.** (1) ~~The~~ Except as provided in subsection (2), the governor, or the chief justice of the supreme court for the office described in 3-7-221, must make a nomination from the list of nominees submitted by the commission.

(2) Within 30 days of receipt of a first list of nominees from the commission, the governor may request a second list of nominees. The commission shall use the timelines established in 31-1-1007(1) to develop and submit a second list of nominees to the governor. The total time from the request for a second list until the second list of names is submitted to the governor or chief justice may not exceed 90 days.""

**Insert: "Section 4.** Section 3-1-1012, MCA, is amended to read:

**"3-1-1012. When governor fails to nominate.** If the governor fails to nominate within 30 days after receipt of ~~the~~ a second list of nominees, the chief justice or acting chief justice shall make the nomination from names on either the first or second list of nominees.""

**Insert: "NEW SECTION. Section 5. Transition.** (1) The term of a lay member appointed prior to January 1, 2021, expires on [the effective date of this act].

(2) The term of a lay member appointed on or after [the effective date of this act] expires on December 31, 2024."

**Insert: "NEW SECTION. Section 6. {standard} Effective date.** [This act] is effective on passage and approval."

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Amendment **not** adopted as follows:

Yeas: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Whitman, Windy Boy.

Total 36

Nays: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Zolnikov, Mr. Speaker.

Total 64

Voted absentee: Garner, No.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**SB 140** - Representative A. Regier moved **SB 140** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Garner, Aye.

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Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Vinton moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Ler moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Anderson, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Gillette, Gist, Greef, Gunderson, Harvey, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kelker, Keogh, Kerns, Knudsen C, Knudsen R, Lenz, Loge, Malone, Marler, Marshall, McKamey, Mercer, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Zolnikov, Mr. Speaker.

Total 83

Nays: Abbott, Bartel, Bishop, Caferro, Curdy, Hamilton, Hawk, Karjala, Keane, Kerr-Carpenter, Kortum, Ler, Olsen, Stafman, Windy Boy.

Total 15

Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: Mitchell.

Total 1

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Noland, Chair):

2/26/2021

**HB 614**, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "shall"

Insert: ":

2. Page 1, line 23.

Following: "employment"

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Insert: "(a) assist program participants with completion of an employment or reemployment assessment; and  
(b)"

3. Page 1, line 25.

Following: "field"

Insert: "and in short-term certification programs for entry-level cybersecurity analysts"

And, as amended, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fitzgerald, Chair):  
**HB 147**, introduced bill, be amended as follows:

2/25/2021

1. Page 1, line 18.

Strike: "\$10"

Insert: "\$1"

2. Page 1, line 19 through line 20.

Following: "license." on line 19

Strike: remainder of line 19 through line 20 in their entirety

3. Page 1, line 25.

Following: "(3)"

Insert: "(a)"

4. Page 2, line 1.

Strike: "(a)"

Insert: "(i)"

**Renumber:** subsequent subsections

5. Page 2.

Following: line 4

Insert: "(b) Grant funds may not be used for costs related to marketing, advertising, advocacy, or political activities."

6. Page 2, line 23.

Strike: "The"

Insert: "In consultation with the board, the"

7. Page 2, line 23.

Following: "department"

Insert: ":

(a)"

Following: "section"

Insert: "; and

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(b) shall develop a plan to promote and solicit contributions to the Montana hunters' and anglers' community fund"

8. Page 3.

Following: line 2

Insert: "(3) Each year, the department may use up to 10% of the funds in the account for administrative costs."

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**HB 468**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "SEASON;"

Insert: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 2, line 8.

Following: "spring"

Strike: "open"

Following: "season"

Strike: ", as established by the commission,"

3. Page 2, line 9.

Following: "dogs"

Insert: "as authorized by the commission"

4. Page 2, line 19.

Following: "spring"

Strike: "open"

5. Page 2, line 20.

Strike: "July 31"

Insert: "June 15"

6. Page 2, line 20.

Following: "year"

Insert: "as authorized by the commission"

And, as amended, do pass. Report adopted.

**HUMAN SERVICES** (Lenz, Chair):

2/26/2021

**HB 485**, introduced bill, be amended as follows:

1. Page 1, line 13.



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Following: "shall"

Strike: ":",

Insert: ", "

2. Page 1, line 14 through line 17.

Strike: "(a)" on line 14 through "(b)" on line 17

And, as amended, do pass. Report adopted.

**HB 487**, do pass. Report adopted.

**HB 549**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "MEMBERS"

Insert: ", RESERVE MEMBERS, AND GUARD MEMBERS"

2. Page 1, line 17.

Following: "members"

Insert: ", reserve members, and guard members"

3. Page 1, line 18.

Following: "members"

Insert: ", reserve members, and guard members"

4. Page 1, line 21.

Following: "members"

Insert: ", reserve members, and guard members"

And, as amended, do pass. Report adopted.

**HJR 19**, do pass. Report adopted.

**JUDICIARY** (Usher, Chair):

2/26/2021

**HB 481**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "FACILITIES"

Insert: "; EXEMPTING CERTAIN ACTIVITIES"

2. Page 1, line 11.

Strike: "3"

Insert: "4"

3. Page 2, line 10.

Following: "state"

Insert: ", "

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Strike: "or"  
Insert: "the"

Following: "government"  
Insert: ", or a tribal government"

4. Page 2, line 23.  
Strike: "."  
Insert: ";

5. Page 2, line 24.  
Following: "(2)(a);"  
Insert: "or"

6. Page 2, line 28.  
Strike: "; or"  
Insert: "."

7. Page 3, line 1.  
Strike: subsection (d) in its entirety

8. Page 3, line 5.  
Strike: "A"  
Insert: "Except as provided in [section 4], a"

9. Page 3.  
Following: line 26  
Insert: "**NEW SECTION. Section 4. Exempt activities.** Nothing in [sections 1 through 4] may be construed to limit legally permissible activity under 29 U.S.C. 151 through 169, as those sections existed on December 23, 2020."  
**Renumber:** subsequent sections

10. Page 3, line 28.  
Strike: "3"  
Insert: "4"

11. Page 4, line 1.  
Strike: "3"  
Insert: "4"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES** (Gunderson, Chair):  
**HB 527**, introduced bill, be amended as follows:

2/26/2021

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1. Title, line 11.

Following: "OWNERS;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.

Following: line 21

Insert: "NEW SECTION. **Section 2. {standard} Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 554**, do pass. Report adopted.

**HB 594**, do pass. Report adopted.

**HJR 17**, do pass. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 92** passed as follows:

Yeas: Abbott, Anderson, Bartel, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Windy Boy, Zolnikov, Mr. Speaker.

Total 88

Nays: Beard, Berglee, Binkley, Dooling, Duram, Fielder, Holmlund, Noland, Regier M, Sheldon-Galloway, Whitman.

Total 11

Voted absentee: None.

Excused: Garner.

Total 1

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Absent or not voting: None.

Total 0

**HB 233** passed as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 93

Nays: Bartel, Berglee, Binkley, Kerns, Lenz, Tschida.

Total 6

Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 258** passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

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Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 328** passed as follows:

Yeas: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Fuller, Funk, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Loge, Malone, Marler, McKamey, Novak, Olsen, Putnam, Reksten, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 55

Nays: Bartel, Beard, Berglee, Binkley, Brewster, Dooling, Duram, Fielder, Fleming, Galloway, Gillette, Gunderson, Hill, Hinkle C, Hinkle J, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 43

Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: Read.

Total 1

**HB 334** passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Zolnikov, Mr. Speaker.

Total 65

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk,

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Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Whitman, Windy Boy.

Total 34

Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 425** passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 444** passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum,

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Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 97

Nays: Olsen.

Total 1

Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: Read.

Total 1

**HB 459** passed as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Greef, Gunderson, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stromswold, Tenenbaum, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 71

Nays: Abbott, Bishop, Buckley, Caferro, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Moore, Novak, Olsen, Running Wolf, Stafman, Stewart Peregoy, Sullivan, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 28

Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: None.

Total 0

**HB 469** passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey,

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Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Gillette, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Regier A, Reksten, Ricci, Running Wolf, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 90

Nays: Binkley, Galloway, Gist, Read, Regier M, Schillinger, Tschida, Weatherwax.

Total 8

Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: Bedey.

Total 1

**HB 472** passed as follows:

Yeas: Anderson, Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: Bedey.

Total 1



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**HB 480** passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 98

Nays: None.

Total 0

Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: Bedey.

Total 1

**HB 483** passed as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Moore, Nave, Noland, Novak, Olsen, Phalen, Putnam, Regier A, Regier M, Reksten, Ricci, Running Wolf, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 91

Nays: Bartel, Hill, Mitchell, Read, Schillinger, Tschida.

Total 6

Voted absentee: None.

Excused: Garner.

Total 1

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FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Absent or not voting: Carlson, Patelis.

Total 2

**SB 118** concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: Garner.

Total 1

Absent or not voting: Malone.

Total 1

**MOTIONS**

Majority Leader Vinton moved to re-refer **HB 404** to the Appropriations Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Representative Gillette arose on a **Point of Personal Privilege** to address an issue she encountered when she attempted to ask a question in debate to a member participating remotely.

Minority Leader Abbott arose to respond that members are participating remotely to protect their health and the public health of their community.

Representative Dunwell arose on a **Point of Personal Privilege** to comment on the events that had occurred in a committee hearing where she felt that there was a lack of decorum.

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FORTY-SECOND LEGISLATIVE DAY - FEBRUARY 27, 2021

Committee meetings were announced by the committee chairs.

Majority Leader Vinton moved the House adjourn until 8:00 a.m., Monday, March 1, 2021.  
Motion carried.

House adjourned at 10:57 a.m.

CAROLYN TSCHIDA  
Chief Clerk of the House

WYLIE GALT  
Speaker of the House

## **MINUTES**

### **MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Keith Regier, on March 16, 2021 at 8:00 A.M., in Room 303 Capitol

#### **ROLL CALL**

**Members Present in the Committee Room:**

Sen. Keith Regier, Chair (R)  
Sen. Tom McGillvray, Vice Chair (R)  
Sen. Bryce Bennett (D)  
Sen. Bob Brown (R)  
Sen. John Esp (R)  
Sen. Chris Friedel (R)  
Sen. Steve Hinebauch (R)  
Sen. Theresa Manzella (R)  
Sen. Susan Webber (D)

**Members Present by Zoom Video Conference:**

Sen. Diane Sands, Vice Chair (D)  
Sen. Jen Gross (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Taylor Tyson, Remote Meeting Coordinator  
Jacelyn Sterling, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 258, 3/10/2021; HB 293, 3/10/2021; HB 436, 3/10/2021; HB 504, 3/10/2021  
Executive Action on: HB 541; HB 293; SB 333

**HEARING ON HB 293**

**Opening Statement by Sponsor:**

08:02:06 Rep. Bill Mercer (R), HD 46, opened the hearing on HB293, Generally revise trust laws.

**Proponents' Testimony:**

08:03:52 Ed Eck, Uniform Law Commission (ULC)

08:09:24 Keith Tokerud, chairman, Business, Estate Trust, Tax and Real Estate Section, State Bar of Montana

[\*\*EXHIBIT\(jus52a01\)\*\*](#)

Additional Testimony Received:

[\*\*EXHIBIT\(jus52a02\)\*\*](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:11:37 Sen. Sands

08:15:08 Mr. Eck, ULC

08:15:25 Chair Regier

08:16:50 Mr. Eck

08:18:13 Sen. Hinebauch

08:18:44 Mr. Eck

08:19:57 Sen. McGillvray

08:23:39 Mr. Eck

**Closing by Sponsor:**

08:24:39 Rep. Mercer

**HEARING ON HB 258**

**Opening Statement by Sponsor:**

08:26:55 Rep. Jedediah Hinkle (R), HD 67, opened the hearing on HB258, Revise laws related to firearms, ammunition, and accessories.

[\*\*EXHIBIT\(jus52a03\)\*\*](#)

**Proponents' Testimony:**

08:29:09 Gary Marbut, Montana Shooting Sports Association (MSSA)

08:31:00 Sen. Esp entered the meeting.

08:31:14 Darin Gaub, citizen

08:32:32 Brian Thompson, Montana Sheriffs and Peace Officers Association

08:34:48 Nephi Cole, director, National Shooting Sports Foundation (NSSF)

Additional Testimony Received:

[\*\*EXHIBIT\(jus52a04\)\*\*](#)

**Opponents' Testimony:**

08:37:47 Kelly Lynch, Montana League of Cities and Towns

[EXHIBIT\(jus52a05\)](#)

08:40:54 Jennifer Beazer, Moms Demand Action for Gun Sense

08:45:17 Jan Strout, National Organization for Women

[EXHIBIT\(jus52a06\)](#)

Additional Testimony Received:

[EXHIBIT\(jus52a07\)](#)

**Additional Proponents' Testimony:**

08:49:22 Keith Kubista, Stevensville

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:50:39 Sen. Brown

08:52:14 Mr. Marbut, MSSA

08:53:00 Sen. Webber

08:55:25 Mr. Cole, NSSF

08:56:20 Sen. McGillvray

09:00:54 Mr. Marbut

**Closing by Sponsor:**

09:03:15 Rep. Hinkle

09:07:24 Recess

09:10:33 Reconvene

**HEARING ON HB 504**

**Opening Statement by Sponsor:**

09:10:54 Rep. Casey Knudsen (R), HD 33, opened the hearing on HB504, Generally revise firearms and weapons laws.

[EXHIBIT\(jus52a08\)](#)

**Proponents' Testimony:**

09:12:00 Gary Marbut, Montana Shooting Sports Association

09:14:16 Darin Gaub, Helena

09:15:31 Brian Gosch, National Rifle Association - Montana

09:18:40 Nephi Cole, National Shooting Sports Foundation

09:21:30 Keith Kubista, Stevensville

Additional Testimony Received:

[EXHIBIT\(jus52a09\)](#)

**Opponents' Testimony:**

09:22:35 John MacDonald, Cities of Bozeman and Missoula

09:25:56 Kelly Lynch, Montana League of Cities and Towns

[EXHIBIT\(jus52a10\)](#)

Additional Testimony Received:

[EXHIBIT\(jus52a11\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:26:55 Sen. Bennett

09:29:31 Rep. Knudsen

09:30:18 Sen. Bennett

09:30:58 Julianne Burkhardt, Legislative Services Division (LSD)

09:32:07 Sen. McGillvray

09:33:48 Rep. Knudsen

09:34:24 Chair Regier

09:34:44 Rep. Knudsen

09:34:50 Chair Regier

09:34:54 Ms. Burkhardt, LSD

09:35:06 Sen. Brown

09:35:44 Rep. Knudsen

09:35:52 Sen. Sands

09:36:13 Rep. Knudsen

09:36:40 Sen. Sands

**Closing by Sponsor:**

09:36:53 Rep. Knudsen

**HEARING ON HB 436**

**Opening Statement by Sponsor:**

09:38:36 Rep. Scot Kerns (R), HD 23, opened the hearing on HB436, Generally revise firearms laws.

**Proponents' Testimony:**

09:40:33 Gary Marbut, Montana Shooting Sports Association (MSSA); National Rifle Association (NRA)

09:43:16 Matthew Mammoser, regional director, National Association for Gun Rights

[EXHIBIT\(jus52a12\)](#)

09:44:38 Brian Gosch, NRA

Additional Testimony Received:

[EXHIBIT\(jus52a13\)](#)

**Opponents' Testimony:**

09:45:41 Brian Thompson, Montana County Attorneys' Association (MCAA); Montana Sheriffs and Peace Officers Association (MSPOA)

09:51:41 Shani Henry, Moms Demand Action for Gun Sense

[EXHIBIT\(jus52a14\)](#)

09:55:08 Mike Swingley, justice of the peace, Lewis and Clark County; Montana Magistrates Association (MMA)  
 10:01:17 Ed Bartlett, Montana Judges Association (MJA)  
 10:04:36 Jessie Luther, Montana Association of Clerks of District Courts  
 10:06:26 Mark Murphy, Montana Association of Chiefs of Police  
 10:08:56 Shelby DeMars, Montana Police Protective Association  
 10:10:40 John MacDonald, Cities of Bozeman and Missoula; also speaking on behalf of Greg Dorrington, City of Billings  
 10:13:23 Quint Nyman, deputy executive director, Montana Federation of Public Employees  
 10:15:30 Marty Lambert, MCAA  
 10:19:36 JP Gallagher, chief executive, Butte-Silver Bow

Additional Testimony Received:

[EXHIBIT\(jus52a15\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:21:49 Sen. Esp  
 10:27:42 Rep. Kerns  
 10:28:00 Sen. Esp  
 10:28:36 Chair Regier  
 10:28:43 Rep. Kerns  
 10:29:05 Mr. Marbut, MSSA; NRA  
 10:30:06 Sen. Esp  
 10:30:16 Mr. Marbut  
 10:30:21 Chair Regier  
 10:30:31 Mr. Marbut  
 10:30:56 Sen. Friedel  
 10:31:32 Julianne Burkhardt, Legislative Services Division (LSD)  
 10:34:57 Chair Regier  
 10:35:13 Ms. Burkhardt, LSD  
 10:36:26 Sen. Manzella  
 10:37:29 Mr. Marbut  
 10:40:58 Sen. Esp  
 10:41:37 Mr. Lambert, MCAA  
 10:42:12 Sen. Friedel  
 10:42:59 Mr. Thompson, MCAA; MSPOA  
 10:44:26 Sen. Friedel  
 10:45:43 Mr. Bartlett, MJA  
 10:47:56 Sen. Friedel  
 10:48:10 Chair Regier  
 10:50:17 Ms. Burkhardt  
 10:50:40 Chair Regier  
 10:52:03 Mr. Swingley, MMA  
 10:53:43 Sen. Esp



10:55:55 Mr. Marbut

**Closing by Sponsor:**

10:57:09 Rep. Kerns

10:58:21 Recess

11:15:09 Reconvene

Sen. Gross left the meeting.

**EXECUTIVE ACTION ON HB 430**

11:15:22 **Motion:** Sen. McGillvray moved that **HB 430 BE CONCURRED IN.**

**Discussion:**

11:15:29 Chair Regier

11:16:02 Julianne Burkhardt, Legislative Services Division (LSD)

11:16:02 **Motion:** Sen. McGillvray moved that **HB 430 BE AMENDED.**

**EXHIBIT(jus52a16)**

**Discussion:**

11:17:07 Chair Regier

11:18:13 Ms. Burkhardt, LSD

11:18:17 Chair Regier

11:18:28 Without objection, Sen. McGillvray withdrew the BE AMENDED and BE CONCURRED IN motions.

**EXECUTIVE ACTION ON HB 325**

11:19:03 **Motion:** Sen. McGillvray moved that **HB 325 BE CONCURRED IN.**

**Discussion:**

11:19:25 Sen. Webber

11:20:39 Sen. Sands

11:21:32 Sen. Hinebauch

11:22:04 Sen. Esp

11:22:30 Without objection, Sen. McGillvray withdrew the BE CONCURRED IN motion.

**EXECUTIVE ACTION ON HB 541**

11:23:11 **Motion:** Sen. McGillvray moved that **HB 541 BE CONCURRED IN.**

**Discussion:**

11:23:32 Sen. Bennett

11:26:53 Sen. Brown

11:27:56 Sen. Webber

11:29:51 Sen. McGillvray

11:30:29 **Vote:** Motion failed 4-7 by roll call vote with Sen. Brown, Sen. Hinebauch, Sen. Manzella and Sen. K. Regier voting aye. Sen. Gross voted by proxy.

11:31:16 **Motion/Vote:** Sen. Brown moved that **HB 541 BE TABLED**. Motion carried unanimously by voice vote. Sen. Gross voted by proxy.

**EXECUTIVE ACTION ON SB 333**

11:31:50 **Motion:** Sen. McGillvray moved that **SB 333 DO PASS**.

11:32:17 **Motion:** Sen. McGillvray moved that **SB 333 BE AMENDED**.  
[EXHIBIT\(jus52a17\)](#)

**Discussion:**

11:32:33 Julianne Burkhardt, Legislative Services Division (LSD)

11:34:59 Sen. Friedel

11:37:24 **Vote:** Motion carried unanimously by roll call vote. Sen. Gross voted by proxy.

11:37:55 **Motion:** Sen. McGillvray moved that **SB 333 DO PASS AS AMENDED**.

**Discussion:**

11:38:38 Sen. Esp

11:39:03 Julianne Burkhardt, LSD

11:39:25 Sen. Friedel

11:39:39 Chair Regier

11:40:17 **Vote:** Motion carried unanimously by roll call vote. Sen. Gross voted by proxy.

**EXECUTIVE ACTION ON HB 293**

11:41:10 **Motion:** Sen. McGillvray moved that **HB 293 BE CONCURRED IN**.

**Discussion:**

11:41:25 Sen. Sands

11:42:12 **Vote:** Motion carried unanimously by voice vote. Sen. Gross voted by proxy. Sen. Sands will carry the bill.

**ADJOURNMENT**

Adjournment: 11:43 AM

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Jacelyn Sterling, Secretary

js

Additional Documents:

**EXHIBIT**([jus52aad.pdf](#))



## **2021 Session**

### **Additional Documents**

**May include the following:**

- **Business Report**
- **Roll Call -Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
  - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

**The original exhibit/items are on file at the Montana Historical Society and may be viewed there.**

**BUSINESS REPORT**  
**MONTANA SENATE**  
**67th LEGISLATURE - REGULAR SESSION**  
**SENATE JUDICIARY COMMITTEE**

**Date:** Tuesday, March 16, 2021  
**Place:** Capitol

**Time:** 8:00 A.M.  
**Room:** 303

**BILLS and RESOLUTIONS HEARD:**

HB 258 - Revise laws related to firearms, ammunition, and accessories - Rep. Jedediah Hinkle (R)  
HB 293 - Generally revise trust laws - Rep. Bill Mercer (R)  
HB 436 - Generally revise firearms laws - Rep. Scot Kerns (R)  
HB 504 - Generally revise firearms and weapons laws - Rep. Casey Knudsen (R)

**EXECUTIVE ACTION TAKEN:**

HB 541 - Be Tabled  
HB 293 - Be Concurred In  
SB 333 - Do Pass as Amended

**Comments:**

  
SEN. Keith Regier, Chair

MONTANA STATE SENATE  
**Roll Call**  
JUDICIARY COMMITTEE

DATE: 3/16/2021

| <u>NAME</u>           | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|-----------------------|----------------|----------------------------|
| VICE CHAIR MCGILLVRAY | ✓              |                            |
| VICE CHAIR SANDS      | ✓              |                            |
| SEN. ESP              |                | ✓                          |
| SEN. HINEBAUCH        | ✓              |                            |
| SEN. BENNETT          | ✓              |                            |
| SEN. MANZELLA         | ✓              |                            |
| SEN. WEBBER           | ✓              |                            |
| SEN. BROWN            | ✓              |                            |
| SEN. FRIEDEL          | ✓              |                            |
| SEN. GROSS            | ✓              |                            |
| CHAIRMAN REGIER       | ✓              |                            |
|                       |                |                            |
| 11 Committee Members  |                |                            |
|                       |                |                            |

-----  
COMMITTEE FILE COPY

## BILL TABLED NOTICE

### SENATE JUDICIARY COMMITTEE

The **SENATE JUDICIARY COMMITTEE** TABLED

**HB 541 - Generally revise landlord and tenant laws - Rep. Steven Galloway (R)**

by motion, on **Tuesday, March 16, 2021** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

Jacelyn Sterling  
(For the Committee)

Debra M. [Signature]  
(For the Secretary of the Senate)  
11:55a 3/16  
(Time) (Date)

March 16, 2021 (11:51am)

Jacelyn Sterling, Secretary

Phone: 444-4751



## SENATE STANDING COMMITTEE REPORT

March 16, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **Senate Bill 333** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Keith Regier*  
Senator Keith Regier, Chair

### And, that such amendments read:

1. Page 1, line 28.

Following: "person"

Insert: ", not including peace officers, prosecutors, or judicial officers,"

2. Page 2, line 4.

Following: "50-32-224"

Insert: "with a street value of at least \$10,000 as determined by the prosecutor"

3. Page 2.

Following: line 6

Insert: "(c) The department of justice shall develop a secure system for receiving and verifying tips to law enforcement."

4. Page 2, line 9.

Following: "(a)"

Strike: "measuring at least 4 feet by 8 feet that must be posted"

Insert: "that is the same standard size as the "welcome to Montana" signs posted"

- END -

### Committee Vote:

**Yes 11, No 0**

Fiscal Note Required X

SB0333001SC.slk





## SENATE STANDING COMMITTEE REPORT

March 16, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 293** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

*Keith Regier*  
Senator Keith Regier, Chair

To be carried by Senator Diane Sands

- END -

**Committee Vote:**

**Yes 11, No 0**

Fiscal Note Required \_\_\_\_

HB0293001SC13941.slk

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3.16.2021 BILL NO HB 541 MOTION NO. \_\_\_\_\_  
MOTION: Be concurred in.

| <u>NAME</u>           | <u>AYE</u> | <u>NO</u> | <u>Proxy</u> |
|-----------------------|------------|-----------|--------------|
| VICE CHAIR MCGILLVRAY |            | ✓         |              |
| VICE CHAIR SANDS      |            | ✓         |              |
| SEN. ESP              |            | ✓         |              |
| SEN. HINEBAUCH        | ✓          |           |              |
| SEN. BENNETT          |            | ✓         |              |
| SEN. MANZELLA         | ✓          |           |              |
| SEN. WEBBER           |            | ✓         |              |
| SEN. BROWN            | ✓          |           |              |
| SEN. FRIEDEL          |            | ✓         |              |
| SEN. GROSS            |            | ✓         | ✓            |
| CHAIRMAN REGIER       | ✓          |           |              |
|                       |            |           |              |
| 11 COMMITTEE MEMBERS  |            |           |              |

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3.16.2021 BILL NO SB 333 MOTION NO. \_\_\_\_\_  
MOTION: Amendment SB 333 1.2

| <u>NAME</u>           | <u>AYE</u> | <u>NO</u> | <u>Proxy</u> |
|-----------------------|------------|-----------|--------------|
| VICE CHAIR MCGILLVRAY | ✓          |           |              |
| VICE CHAIR SANDS      | ✓          |           |              |
| SEN. ESP              | ✓          |           |              |
| SEN. HINEBAUCH        | ✓          |           |              |
| SEN. BENNETT          | ✓          |           |              |
| SEN. MANZELLA         | ✓          |           |              |
| SEN. WEBBER           | ✓          |           |              |
| SEN. BROWN            | ✓          |           |              |
| SEN. FRIEDEL          | ✓          |           |              |
| SEN. GROSS            | ✓          |           | ✓            |
| CHAIRMAN REGIER       | ✓          |           |              |
|                       |            |           |              |
| 11 COMMITTEE MEMBERS  |            |           |              |

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3.16.2021 BILL NO SB 333 MOTION NO. \_\_\_\_\_  
MOTION: Do Pass as Amended

| <u>NAME</u>           | <u>AYE</u> | <u>NO</u> | <u>Proxy</u> |
|-----------------------|------------|-----------|--------------|
| VICE CHAIR MCGILLVRAY | ✓          |           |              |
| VICE CHAIR SANDS      | ✓          |           |              |
| SEN. ESP              | ✓          |           |              |
| SEN. HINEBAUCH        | ✓          |           |              |
| SEN. BENNETT          | ✓          |           |              |
| SEN. MANZELLA         | ✓          |           |              |
| SEN. WEBBER           | ✓          |           |              |
| SEN. BROWN            | ✓          |           |              |
| SEN. FRIEDEL          | ✓          |           |              |
| SEN. GROSS            | ✓          |           | ✓            |
| CHAIRMAN REGIER       | ✓          |           |              |
|                       |            |           |              |
| 11 COMMITTEE MEMBERS  |            |           |              |

# SENATE PROXY

I, Senator GROSS, hereby authorize Senator BENNETT to vote my proxy before the Senate

Judiciary meeting held on MARCH 16, 2021.

Senator Signature

Date \_\_\_\_\_

Said authorization is as follows: *(mark only one)*

- ☒ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

# SENATE JUDICIARY COMMITTEE

**Sponsor: Rep. Bill Mercer (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

#1

**SENATE JUDICIARY COMMITTEE**

**Sponsor: Rep. Jedediah Hinkle (R)**

[illegible]

# 2

**SENATE JUDICIARY COMMITTEE**

**Sponsor: Rep. Casey Knudsen (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

A4



**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE JUDICIARY COMMITTEE**

**Tuesday, March 16, 2021**

**HB 436 - Generally revise firearms laws**

**Sponsor: Rep. Scot Kerns (R)**

**PLEASE PRINT**

| Name             | Representing                        | Support | Oppose | Info |
|------------------|-------------------------------------|---------|--------|------|
| MARK MURPHY      | MACOP                               |         | X      |      |
| John McDonald    | Bozeman / Missoula                  |         | X      |      |
| Matthew Mammier  | National Association For Gun Rights | X       |        |      |
| Shani Henry      | Moms Demand Action                  |         | X      |      |
| Ed BARTHETT      | MT JUDGES ASSOC.                    |         | X      |      |
| Darin Gaub       | Self                                | X       |        |      |
| Mike Swingley    | Montana Magistrates                 |         | X      |      |
| Jessie Luther    | MT Assn of Clerks of Dist Ct        |         | X      |      |
| Greg Dorrington  | City of Billings                    |         | X      |      |
| Shelby DeMars    | MT Police Protective Association    |         | X      |      |
| Brian Thomson    | MSPDA / MCIAA                       |         | X      |      |
| GARY MARBUE      | MSSA                                | X       |        |      |
| Carolyn Truscott | Self                                | ✓       |        |      |
| W. J. Truscott   | Self                                | X       |        |      |
|                  |                                     |         |        |      |
|                  |                                     |         |        |      |
|                  |                                     |         |        |      |
|                  |                                     |         |        |      |
|                  |                                     |         |        |      |
|                  |                                     |         |        |      |
|                  |                                     |         |        |      |
|                  |                                     |         |        |      |
|                  |                                     |         |        |      |

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

#3

## Senate Judiciary Zoom Testimony Request

Meeting: 03/16/2021 @ 8:00 AM

| Bill   | Name            | Position  | Location       | Email                          | Affiliation                         |
|--------|-----------------|-----------|----------------|--------------------------------|-------------------------------------|
| HB 258 | Nephi John Cole | Proponent |                | ncole@nssf.org                 | National Shooting Sports Foundation |
|        | Lena Phares     | Proponent | Three Forks    | cxbar30@gmail.com              | NA                                  |
|        | Kelly Lynch     | Opponent  | Helena         | kelly.lynch@mtleague.net       | MT Leauge of Cities and Towns       |
|        | Keith Kubista   | Opponent  | Stevensville   | kredtailhawk@gmail.com         | NA                                  |
|        | Jennifer Beazer | Opponent  | Kalispell      | jennbeazer@gmail.com           | Moms Demand Action for Gun Sense    |
|        | Jan Strout      | Opponent  | Bozeman        | janchangethatworks@yahoo.com   | National Organization for Women     |
|        |                 |           |                |                                |                                     |
| HB 293 | Keith Tokerud   | Proponent | Great Falls    | keitht@montanaestatelawyer.com | NA                                  |
|        |                 |           |                |                                |                                     |
| HB 436 | Kelly Lynch     | Opponent  | Helena         | kelly.lynch@mtleague.net       | MT Leauge of Cities and Towns       |
|        | Quint Nyman     | Opponent  | Helena         | qnyman@mfpe.org                | MT Federation of Public Employees   |
|        | Jan Strout      | Opponent  | Bozeman        | janchangethatworks@yahoo.com   | National Organization for Women     |
|        | Marty Lambert   | Opponent  | Bozeman        | marty.lambert@gallatin.mt.gov  | MT County Attorney's Association    |
|        | JP Gallagher    | Opponent  | Butte          | jgallagher@bsb.mt.gov          | NA                                  |
|        | Jack Rinck      | Opponent  | Helena         | asum.lobbyist@umt.edu          | Associated Students of UM           |
|        |                 |           |                |                                |                                     |
| HB 504 | Brian Gosch     | Proponent | Rapid City, SD | Bgosch@nrahq.org               | NRA                                 |
|        | Nephi John Cole | Proponent |                | ncole@nssf.org                 | National Shooting Sports Foundation |
|        | Kelly Lynch     | Opponent  | Helena         | kelly.lynch@mtleague.net       | MT Leauge of Cities and Towns       |
|        | Keith Kubista   | Opponent  | Stevensville   | kredtailhawk@gmail.com         | NA                                  |

Exhibit No. 3Date: 3.16.21Bill No. HB 258

Please include me in on support for HB 258. I will have nothing to do with any form of federal gun control. Irregardless of weather I had the manpower to do such a thing, I believe it is a violation of the U.S. Constitution and the Montana State Constitution, both of which I have sworn an oath to uphold.

Respectfully.

Tom Rummel

Sanders County Sheriff

**SENATE JUDICIARY**

**Exhibit No.** 4

**Date:** 3-16-21

**Bill No.** HB 258

**From:** [leg-noreply@mt.gov](mailto:leg-noreply@mt.gov)

**To:** [LEG Applications Email Backup](#); [LEG Committee-Senate Judiciary testimony](#)

**Subject:** Public Comment for Bill HB-258: Revise laws related to firearms, ammunition, and accessories 2021-03-16 08:00 AM - (S) Judiciary Successfully Submitted on 03-15-21 10:23

**Date:** Monday, March 15, 2021 10:23:24 AM

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**Details:**

Bill: HB-258: Revise laws related to firearms, ammunition, and accessories 2021-03-16 08:00 AM - (S) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Michael Boyle

Email: [michaelkboyle1@gmail.com](mailto:michaelkboyle1@gmail.com)

Phone: (406) 558-9426

City, State: Helena, MT

Written Statement: I appreciate this opportunity to testify in support of HB 258 and the foundational rights and freedoms afforded our Creator and guaranteed to citizens by our Constitution(s). Self-defense is a natural right promoting life and defending liberty and it should not - and shall not - be infringed. It contributes to Life both in quantity and quality. The 2nd Amendment is a precursor to - and insurance policy for - all other rights. It exists is a preventative to the abuse of authority. HB 258 ensures that this inalienable right not be abrogated by those who are hostile toward the 2nd Amendment. Please vote Yes in support of HB 258 and in support of the citizens of the State of Montana. Thank you for your attention.

**Files:**

Testify via Zoom: No

Zoom Method: N/A

**From:** [leg-noreply@mt.gov](mailto:leg-noreply@mt.gov)  
**To:** [LEG Applications Email Backup](#); [LEG Committee-Senate Judiciary testimony](#)  
**Subject:** Public Comment for Bill HB-258: Revise laws related to firearms, ammunition, and accessories 2021-03-16 08:00 AM - (S) Judiciary Successfully Submitted on 03-14-21 14:55  
**Date:** Sunday, March 14, 2021 2:55:49 PM  
**Attachments:** [Mt.Leg.HB 258.436.504.pdf](#)

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Details:

Bill: HB-258: Revise laws related to firearms, ammunition, and accessories 2021-03-16 08:00 AM - (S) Judiciary

Position: Proponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Daniel Farr

Email: [dtfedconsult@gmail.com](mailto:dtfedconsult@gmail.com)

Phone: (406) 489-0104

City, State: Helena

Written Statement: The following testimony is being sent once in support of HB 258, HB 346, and 504.

Files: [Mt.Leg.HB 258.436.504.pdf](#)

Testify via Zoom: No

Zoom Method: N/A

March 14, 2021

To: Senate Judiciary Committee

Fr: Daniel T. Farr, Helena, Montana

Re: H.B. 258

H.B. 436

H.B. 504

Chairperson Fitzpatrick, members of the committee, my name is Daniel Farr, and I am representing myself today. **Rather than provide 3 separate statements, I “strongly support” the passage of H.B. 258, H.B. 436, and H.B. 504 and respectfully thank Jedediah Hinkle, Scott Kerns and Casey Knudsen for their respective sponsorships of the listed bills.**

My support is based on a lifetime of hunting, gun ownership, and because of legislation being developed and introduced at the federal levels. At present, D.C. congressionlists, through proposed legislation, continue to vilify law abiding gun owners in favor of criminals. H.R. 8 is disguised as a universal background check bill that ultimately criminalizes private transfers and H.R. 1446 would extend the FBI background check from 3 to 10 days, and if the FBI fails to complete the check within the 10 days, a prospective buyer must petition for a more-timely review with no guarantee that the FBI can do their job. Couple these two bills with H.R. 127, which treats law abiding citizens like criminals by creating a system where the DOJ must establish and maintain a publicly available database of all registered firearms for the real “criminals” to access.

The average American/Montanen that I speak to sees their Constitutional Rights under constant attack. As example, I was excited to get my Covid-19 vaccine last week, but I had to have a pictured ID and prove my residency (note: as a side note—the same should be required to vote). When I got my Montana REAL ID, the process was even more intrusive, insulting as a U.S. citizen, and the only thing missing from the checklist of requirements was proof of my latest colonoscopy. It is truly SAD to see law abiding, tax paying, U.S. Citizens continue to be treated worse than non-citizens and criminals with fewer benefits and acknowledgement of their fundamental rights contained in the U.S. Constitution.

As you consider HB 258, HB 436, and HB 504 I would ask for your strong support of these bills supporting responsible gun owners and law-abiding citizens of both Montana and the United States, and again, thank all 3 sponsors for bringing the bills forward.

FROM THE DESK OF

**Lena Phares**

March 15, 2021

Lena Phares  
[cxbar30@gmail.com](mailto:cxbar30@gmail.com)  
(406) 220-1648

To Whom it may Concern;

Good morning. My name is Lena Phares and I am a very concerned Montana citizen.

I am very much in support of HB 258. I am here to ask that you, also, vote in favor of passing this legislation.

With 66.2% (per [worldpopulationreview.com](http://worldpopulationreview.com) 2021) of adult Montanans legally owning guns, more than half of our citizens would be greatly negatively impacted by the extreme anti-firearm agenda of the current federal administration. Montana livelihood and lifestyle are both under attack, in turn potentially punishing a majority of the population within our state alone.

I am a generational Montanan, and hunting was and is a huge part of our lives. I was taught a strong foundation in conservation from childhood into adulthood, and hunting was a main staple to feed my family growing up. Now that I am back home from living overseas where food shortages and unavailability were very real, I greatly look forward to being able to provide for my own family in the same way. This is only one of many reasons I am passionate about HB 258 being passed.

I have lived outside of the United States for the past 2.5 years in a country that is labeled a democracy, and it is illegal for citizens to lawfully own guns there. In 2019, I was caught in "accidental" gunfire with my then 4 year old daughter and forced to lay on her in a doorway at her school to protect her the best I could. I have never felt more afraid and helpless in my life. We were eventually caught in the ongoing civil unrest at our place of residence in early 2020 and she and I were evacuated back to the US last March due to these dangers and a complete lack of ability to protect ourselves due to overbearing government.

Now, I am essentially a single mom while my husband works out of the country, and it is important to me to know that I can protect myself and my child from all aspects of

danger. I have personally seen what life is like without 2nd amendment rights, and I am more passionate than ever to do my part to legally protect that right for my own family as well as my fellow Montanans.

I implore you to vote in favor of this bill, not only to preserve Montana's time-honored way of life, but to also prevent and protect our citizens from future infringements on our essential constitutional rights. Thank you for the opportunity to express my views. I appreciate you taking them into consideration.

Sincerely yours,

Lena Phares



SENATE JUDICIARY

Exhibit No. 5

Date: 3-16-21

Bill No. HB 258

**From:** [leg-noreply@mt.gov](mailto:leg-noreply@mt.gov)

**To:** [LEG Applications Email Backup](#); [LEG Committee-Senate Judiciary testimony](#)

**Subject:** Public Comment for Bill HB-258: Revise laws related to firearms, ammunition, and accessories 2021-03-16 08:00 AM - (S) Judiciary Successfully Submitted on 03-12-21 08:20

**Date:** Friday, March 12, 2021 8:20:21 AM

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Details:

Bill: HB-258: Revise laws related to firearms, ammunition, and accessories 2021-03-16 08:00 AM - (S) Judiciary

Position: Opponent

Representing an Entity/Another Person: Yes

Organization: Montana League of Cities and Towns

Name: Kelly Lynch

Email: [kelly.lynch@mtleague.net](mailto:kelly.lynch@mtleague.net)

Phone: (406) 465-5711

City, State: Helena

Written Statement: The League opposes HB 258.

Files:

Testify via Zoom: Yes

Zoom Method: Computer

**SENATE JUDICIARY**Exhibit No. 6Date: 3-16-21Bill No. HB 258

**From:** [leg-noreply@mt.gov](mailto:leg-noreply@mt.gov)  
**To:** [LEG Applications Email Backup](#); [LEG Committee-Senate Judiciary testimony](#)  
**Subject:** Public Comment for Bill HB-258: Revise laws related to firearms, ammunition, and accessories 2021-03-16 08:00 AM - (S) Judiciary Successfully Submitted on 03-15-21 11:52  
**Date:** Monday, March 15, 2021 11:52:16 AM

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**Details:**

Bill: HB-258: Revise laws related to firearms, ammunition, and accessories 2021-03-16 08:00 AM - (S) Judiciary

Position: Opponent

Representing an Entity/Another Person: Yes

Organization: Montana Chapter, National Organization for Women

Name: Jan Strout

Email: [janchangethatworks@yahoo.com](mailto:janchangethatworks@yahoo.com)

Phone: (206) 251-0880

City, State: Bozeman, Montana

Written Statement: Montana National Organization for Women rises to OPPOSE HB 258 that would nullify federal firearms law and thus allow more open and permit-less concealed carry firearms in local government buildings. Because one of our priority issues is to end all forms of gender-based and intimate partner violence - especially during the COVID Pandemic with the dramatic increase in domestic violence homicides killing more women and children.

HB 258 would prohibit local and state law enforcement officers from cooperating in the enforcement of federal gun regulations enacted after January 1, 2021. It ties the hands of local law enforcement, discourages cooperation among those officers charged with keeping us safe, and undermines the rule of law.

As President of Montana National Organization for Women, we urge your OPPOSITION to HB 258 and 436 to not expand Conceal Carry and other Gun rights laws in the name of defending us from irresponsible gun owners. According to extensive research in Intimate Partner Violence (IPV) - see below - arming those women who experience IPV actually creates more harm and increased homicides. The defense of HB 436 to have unlimited Concealed Carry Guns anywhere in Montana is actually a harmful distraction from what we know ACTUALLY works to protect women from gun violence and escalation of IPV.

There is absolutely no research that women's gun ownership increases their safety, regardless if they are IPV victims. Or #MMIWG victims. Or safe in their workplaces when the Intimate Partner commits mass shootings there.

What does work to protect all women and especially those experiencing intimate partner violence is to reduce the number of guns using stringent background checks and removal from convicted IPV abusers. States with the highest rates of gun ownership have a 65% higher rate of IPV firearm homicide than those states with the lowest rates of ownership.

MT NOW Opposes this life-threatening Bill HB 258 and 436.

Carefully review this research here:

<https://everytownresearch.org/report/guns-and-violence-against-women-americas-uniquely-lethal-intimate-partner-violence-problem/#the-nexus-of-intimate-partner-violence-and-guns>

Thank you.

Files:

Testify via Zoom: Yes

Zoom Method: Computer



montana  
HUMAN RIGHTS NETWORK

March 12, 2021

Dear Chairman Regier and Members of the Senate Judiciary Committee:

The Montana Human Rights Network opposes HB 258 on behalf of our 8,000 members and supporters across the state. We believe the bill is based on a misguided view of the U.S. Constitution and will have negative impacts on Montana communities.

While HB 258 references the Second and Tenth Amendments, the spirit of the bill better reflects when the country was under the Articles of Confederation. The bill makes it appear that states can individually decide which federal laws they will, and will not, enforce. States had more ability to operate like this under the Articles; however, the U.S. Constitution makes it clear that states must adhere to federal law. Article VI of the U.S. Constitution, which is commonly called the "Supremacy Clause," clearly states that the laws of the United States "shall be the supreme Law of the Land." HB 258 clearly violates this provision.

We also oppose the bill because of our 30 years as an organization tracking and working to prevent violence by anti-government militias and other such groups. When these groups are looking to setup shop or start mobilizing, a major consideration for them is how lenient gun laws are in a location. Passage of HB 258 won't just result in lengthy and costly court battles for the state. It will also function as a welcome mat for anti-government groups. The state already has very lax gun laws, and now the state would be on record saying that it won't enforce federal law. That is an enticing invitation to militias and other such groups.

We encourage you to stand for the U.S. Constitution, the rule of law, and the safety of our communities by voting NO on HB 258.

Travis McAdam  
*Program Director:*  
*Combating White Nationalism & Defending Democracy*  
Montana Human Rights Network  
(406) 442-5506 ext. 11  
[travis@mhrn.org](mailto:travis@mhrn.org)

## **MINUTES**

### **MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Tom McGillvray, on March 19, 2021 at 9:00 AM, in Room 303 Capitol

#### **ROLL CALL**

**Members Present in the Committee Room:**

Sen. Keith Regier, Chair (R)  
Sen. Tom McGillvray, Vice Chair (R)  
Sen. Bryce Bennett (D)  
Sen. Bob Brown (R)  
Sen. John Esp (R)  
Sen. Chris Friedel (R)  
Sen. Jen Gross (D)  
Sen. Steve Hinebaugh (R)  
Sen. Theresa Manzella (R)  
Sen. Susan Webber (D)

**Members Present by Zoom Video Conference:**

Sen. Diane Sands, Vice Chair (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Taylor Tyson, Remote Meeting Coordinator  
Jacelyn Sterling, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 285, 3/15/2021; HB 331, 3/15/2021; HB 333, 3/15/2021; HB 393, 3/15/2021; HB 478, 3/15/2021

Executive Action: HB 223 Be Concurred In as Amended; HB 258 Be Concurred In as Amended; HB 325 Be Concurred In as Amended; HB 504 Be Concurred In as Amended; HB 285 Be Tabled; HB 541 Be Removed from the Table

**Committee Business:**

08:00:23 Sen. Sands  
08:00:28 Chair McGillvray

**HEARING ON HB 333**

**Opening Statement by Sponsor:**

08:00:57 Rep. Barry Usher (R), HD 40, opened the hearing on HB333, Generally revise laws related to sexual and violent offenders.

**Proponents' Testimony:**

08:02:25 Shelby DeMars, Montana Police Protective Association (MPPA)  
[EXHIBIT\(jus55a01\)](#)

08:03:01 Sen. Friedel entered the meeting.

08:06:18 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association; Montana County Attorneys' Association

08:07:10 Matthew Sayler, MPPA

08:09:37 Mayre Flowers, Kalispell

**Additional Testimony Received:**

[EXHIBIT\(jus55a02\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:11:30 Sen. Friedel  
08:15:25 Ms. DeMars, MPPA  
08:15:48 Sen. Manzella  
08:17:19 Ms. DeMars  
08:17:29 Sen. Gross  
08:18:43 Mr. Sayler, MPPA  
08:19:21 Sen. Gross  
08:19:40 Sen. Sands  
08:22:06 Rep. Usher  
08:22:23 Sen. Sands  
08:23:13 Julianne Burkhardt, Legislative Services Division  
08:23:59 Sen. Sands  
08:24:24 Rep. Usher  
08:25:34 Sen. Sands  
08:25:52 Sen. Manzella  
08:26:32 Rep. Usher  
08:26:58 Sen. Webber  
08:27:13 Ms. DeMars  
08:28:48 Chair McGillvray  
08:29:11 Rep. Usher

08:29:24 Sen. McGillvray  
08:30:48 Ms. DeMars

**Closing by Sponsor:**

08:31:26 Rep. Usher

**HEARING ON HB 478**

**Opening Statement by Sponsor:**

08:35:23 Rep. Derek Harvey (D), HD 74, opened the hearing on HB478, Generally revise DUI laws.

**Proponents' Testimony:**

08:37:00 Alan Doane, Department of Justice (DOJ)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:37:25 Sen. Friedel  
08:38:33 Rep. Harvey  
08:38:47 Mr. Doane, DOJ  
08:39:12 Sen. Friedel  
08:39:38 Mr. Doane

**Closing by Sponsor:**

08:39:51 Rep. Harvey

**HEARING ON HB 393**

**Opening Statement by Sponsor:**

08:40:32 Rep. Jane Gillette (R), HD64, opened the hearing on HB393, Revise laws related to amendment of a parenting plan due to change in residence.

**Proponents' Testimony:**

08:42:24 Gail Goheen, Corvallis

[EXHIBIT\(jus55a03\)](#)

08:47:35 Mars Scott, attorney, Missoula

08:49:38 Christopher Gillette, Bozeman

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:52:45 Sen. Gross  
08:53:29 Mr. Scott, Missoula

08:54:28 Chair McGillvray  
08:56:18 Mr. Gillette, Bozeman  
08:56:47 Sen. Esp  
08:57:08 Julianne Burkhardt, Legislative Services Division  
08:57:27 Chair McGillvray  
08:57:39 Sen. Webber  
08:58:10 Mr. Scott

**Closing by Sponsor:**

08:58:51 Rep. Gillette

**HEARING ON HB 331**

**Opening Statement by Sponsor:**

09:00:19 Rep. Casey Knudsen (R), HD 33, opened the hearing on HB331, Requiring legislators to have access to adult and youth correctional facilities.

[\*\*EXHIBIT\(jus55a04\)\*\*](#)

**Proponents' Testimony:**

09:02:47 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)  
09:04:02 Janee Weber, Montana State Council on Judicial Accountability  
09:05:21 May Simmons, Polson

[\*\*EXHIBIT\(jus55a05\)\*\*](#)

09:08:31 Laurie Little Dog, Bozeman

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:11:09 Sen. Brown  
09:11:44 Rep. Knudsen  
09:13:00 Sen. Esp  
09:13:08 Rep. Knudsen  
09:13:28 Sen. Sands  
09:19:36 Rep. Knudsen  
09:19:44 Chair McGillvray  
09:19:52 Sen. Manzella  
09:21:12 Rep. Knudsen  
09:22:08 Sen. Gross  
09:22:45 Rep. Knudsen  
09:23:19 Sen. Friedel  
09:23:54 Julianne Burkhardt, Legislative Services Division  
09:24:22 Sen. Friedel  
09:26:13 Ms. Gilbertson, MSPOA  
09:27:22 Chair McGillvray  
09:28:08 Ms. Gilbertson

**Closing by Sponsor:**

09:29:07 Rep. Knudsen

09:31:25 Recess

09:35:19 Reconvened

Sen. Regier returned to the meeting and took over the duties of the Chair.

**HEARING ON HB 285**

**Opening Statement by Sponsor:**

09:35:38 Rep. Jeremy Trebas (R), HD 26, opened the hearing on HB285, Create cigar bars.

**Proponents' Testimony:**

09:40:21 Cheryl Tusken, citizen

**Questions from the Committee for Ms. Tusken:**

09:41:17 Chair Regier

09:41:19 Ms. Tusken, citizen

**Additional Proponents' Testimony:**

09:41:29 Patrick Webb, Americans for Prosperity Montana (AFP)

09:43:22 Gage Henderson, Polson

[EXHIBIT\(jus55a06\)](#)

**Additional Testimony Received:**

[EXHIBIT\(jus55a07\)](#)

**Opponents' Testimony:**

09:46:20 Annie Tegan, Tobacco-Free Kids

[EXHIBIT\(jus55a08\)](#)

09:48:07 Bella Childre, Tobacco-Free Kids

09:48:54 Dr. David King, Belgrade

[EXHIBIT\(jus55a09\)](#)

09:52:09 Kristin Page-Nei, American Cancer Society Action Network

09:56:03 Ross Prosperi, Missoula

[EXHIBIT\(jus55a10\)](#)

09:57:03 Kathy Rogers, pediatrician, Missoula

[EXHIBIT\(jus55a11\)](#)

09:58:36 Char Day, Americans for Nonsmokers' Rights

[EXHIBIT\(jus55a12\)](#)

10:01:11 Cynthia Stremba, Parents Against Vaping

10:02:59 Amanda Cahill, American Heart Association



10:04:37 Linda Beischel, Montana Public Health Association  
[EXHIBIT\(jus55a13\)](#)

10:06:03 Carrie Nyssen, American Lung Association

10:07:56 Greg Dorrington, Montana Medical Association (MMA); Billings Clinic

Additional Testimony Received:

[EXHIBIT\(jus55a14\)](#)

**Informational Testimony:**

10:08:51 Becky Schlauch, Alcoholic Beverage Control Division, Department of Revenue (DOR)

**Questions from Committee Members and Responses:**

10:09:18 Sen. Hinebauch  
10:09:56 Mr. Dorrington, MMA  
10:10:05 Sen. Hinebauch  
10:10:18 Sen. Manzella  
10:10:51 Mr. Dorrington  
10:11:00 Sen. Manzella  
10:11:33 Ms. Schlauch, DOR  
10:11:54 Sen. McGillvray  
10:14:47 Mr. King, Belgrade  
10:15:01 Sen. McGillvray  
10:15:38 Rep. Trebas  
10:15:55 Sen. McGillvray  
10:16:00 Ms. Schlauch  
10:16:29 Sen. McGillvray  
10:19:20 Rep. Trebas  
10:20:14 Sen. McGillvray  
10:22:55 Mr. Webb, AFP  
10:23:29 Sen. Webber  
10:23:52 Ms. Schlauch  
10:24:17 Sen. Bennett  
10:25:23 Rep. Trebas  
10:26:43 Chair Regier  
10:30:18 Rep. Trebas  
10:30:42 Sen. Sands  
10:32:24 Ms. Schlauch  
10:33:42 Sen. Manzella  
10:35:10 Rep. Trebas  
10:35:24 Sen. McGillvray  
10:36:05 Rep. Trebas  
10:36:35 Sen. McGillvray

**Closing by Sponsor:**

10:36:45 Rep. Trebas

10:39:27 Chair Regier

10:40:11 Recess  
11:00:25 Reconvened

Sen. Brown and Sen. Friedel did not return to the meeting.

**EXECUTIVE ACTION ON HB 223**

11:01:22 **Motion:** Sen. McGillvray moved that **HB 223 BE CONCURRED IN.**

**Discussion:**

11:01:36 Chair Regier  
11:02:31 Sen. Esp  
11:02:48 Chair Regier  
11:02:53 Sen. Esp  
11:03:14 Chair Regier

11:03:20 **Motion:** Sen. McGillvray moved that **HB 223 BE AMENDED.**  
**EXHIBIT(jus55a15)**

**Discussion:**

11:03:33 Julianne Burkhardt, Legislative Services Division (LSD)  
11:04:58 Chair Regier  
11:05:08 Ms. Burkhardt, LSD  
11:05:26 Sen. Gross

11:05:51 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown and Sen. Friedel voted by proxy.

11:06:32 **Motion:** Sen. McGillvray moved that **HB 223 BE CONCURRED IN AS AMENDED.**

**Discussion:**

11:06:43 Sen. Sands  
11:07:19 Sen. Gross

11:08:48 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown and Sen. Friedel voted by proxy. Sen. Regier will carry the bill.

**EXECUTIVE ACTION ON HB 325**

11:09:33 Chair Regier

11:09:48 **Motion:** Sen. McGillvray moved that **HB 325 BE CONCURRED IN.**

**Discussion:**

11:09:59 Julianne Burkhardt, Legislative Services Division (LSD)  
11:10:09 Chair Regier

11:10:12 **Motion:** Sen. Esp moved that **HB 325 BE AMENDED.**  
[EXHIBIT\(jus55a16\)](#)

**Discussion:**

11:11:03 Sen. Bennett  
11:11:56 Chair Regier  
11:12:07 Sen. Esp  
11:12:21 Sen. Hinebauch  
11:12:30 Chair Regier  
11:12:34 Sen. Bennett

11:13:35 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown and Sen. Friedel voted by proxy.

11:14:06 **Motion:** Sen. McGillvray moved that **HB 325 BE CONCURRED IN AS AMENDED.**

**Discussion:**

11:14:13 Sen. Sands  
11:15:40 Sen. Bennett  
11:16:40 Chair Regier  
11:17:01 Sen. Webber  
11:18:01 Chair Regier  
11:18:23 Sen. Gross  
11:18:56 Sen. Esp

11:19:09 Sen Friedel entered the meeting.

11:19:53 Chair Regier  
11:20:07 Sen. Gross

11:20:27 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy. Sen. Brown will carry the bill.

**EXECUTIVE ACTION ON HB 504**

11:21:34 **Motion:** Sen. McGillvray moved that **HB 504 BE CONCURRED IN.**

**Discussion:**

11:21:43 Chair Regier  
11:21:45 Julliane Burkhardt, Legislative Services Division (LSD)

11:21:50 **Motion:** Sen. McGillvray moved that **HB 504 BE AMENDED.**  
[EXHIBIT\(jus55a17\)](#)

**Discussion:**

11:22:18 Ms. Burkhardt, LSD

11:23:17 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy.

11:23:46 **Motion/Vote:** Sen. McGillvray moved that **HB 504 BE CONCURRED IN AS AMENDED**. Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy. Sen. Hinebauch will carry the bill.

**EXECUTIVE ACTION ON HB 258**

11:25:39 **Motion/Vote:** Sen. McGillvray moved that **HB 258 BE CONCURRED IN**. Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy. Sen. Manzella will carry the bill.

**Discussion:**

11:26:57 Sen. Esp  
11:27:49 Chair Regier  
11:28:17 Julianne Burkhardt, Legislative Services Division  
11:28:57 Chair Regier

**EXECUTIVE ACTION ON HB 285**

11:29:14 **Motion/Vote:** Sen. McGillvray moved that **HB 285 BE TABLED**. Motion carried 6-5 by roll call vote with Sen. Brown, Sen. Friedel, Sen. Hinebauch, Sen. Manzella and Sen. K. Regier voting no. Sen. Brown voted by proxy.

**EXECUTIVE ACTION ON HB 541**

11:30:22 **Motion:** Sen. Esp moved that **HB 541 BE REMOVED FROM TABLE**.

**Discussion:**

11:31:11 Sen. Sands

11:31:28 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Bennett voted by proxy.

**Committee Business:**

11:32:03 Chair Regier  
11:32:17 Sen. Esp  
11:32:49 Chair Regier  
11:33:08 Sen. Sands  
11:33:12 Julianne Burkhardt, Legislative Services Division  
11:33:21 Chair Regier  
11:33:28 Sen. Esp  
11:33:32 Sen. Gross  
11:33:36 Chair Regier

**ADJOURNMENT**

Adjournment: 11:34 AM

---

Jacelyn Sterling, Secretary

js

Additional Documents:

**EXHIBIT**([jus55aad.pdf](#))



# **2021 Session**

## **Additional Documents**

**May include the following:**

- **Business Report**
- **Roll Call - Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports**
- **Roll Call Votes**
- **Informational Item's**
- **Witness Statements**
- **Visitor Register**
- **Any other type of documents such as:**
  - Petitions, Pamphlets, Leaflets, Brochures, Emails, all documents given to Committee Secretary 24 hours after the meeting adjourned.**

**The original exhibit/items are on file at the Montana Historical Society and may be viewed there.**

**BUSINESS REPORT**  
**MONTANA SENATE**  
**67th LEGISLATURE - REGULAR SESSION**  
**SENATE JUDICIARY COMMITTEE**

**Date:** Friday, March 19, 2021  
**Place:** Capitol

**Time:** 9:00 AM  
**Room:** 303

**BILLS and RESOLUTIONS HEARD:**

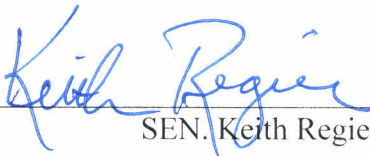
HB 285 - Create cigar bars - Rep. Jeremy Trebas (R)  
HB 331 - Requiring legislators to have access to adult and youth correctional facilities - Rep. Casey Knudsen (R)  
HB 333 - Generally revise laws related to sexual and violent offenders - Rep. Barry Usher (R)  
HB 393 - Revise laws related to amendment of a parenting plan due to change in residence - Rep. Jane Gillette (R)  
HB 478 - Generally revise DUI laws - Rep. Derek Harvey (D)

**EXECUTIVE ACTION TAKEN:**

HB 541 Be Removed From the Table  
HB 285 Be Tabled  
HB 504 Be Concurred In as Amended  
HB 325 Be Concurred In as Amended  
HB 258 Be Concurred In as Amended  
HB 223 Be Concurred In as Amended

**Comments:**

No further action was taken on HB 541.

  
\_\_\_\_\_  
SEN. Keith Regier, Chair

MONTANA STATE SENATE  
**Roll Call**  
JUDICIARY COMMITTEE

DATE: 3/19/2021

| <u>NAME</u>           | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|-----------------------|----------------|----------------------------|
| VICE CHAIR MCGILLVRAY | ✓              |                            |
| VICE CHAIR SANDS      | ✓              |                            |
| SEN. ESP              | ✓              |                            |
| SEN. HINEBAUCH        | ✓              |                            |
| SEN. BENNETT          | ✓              |                            |
| SEN. MANZELLA         | ✓              |                            |
| SEN. WEBBER           | ✓              |                            |
| SEN. BROWN            | ✓              |                            |
| SEN. FRIEDEL          |                | ✓                          |
| SEN. GROSS            | ✓              |                            |
| CHAIRMAN REGIER       |                | ✓                          |
|                       |                |                            |
| 11 Committee Members  |                |                            |
|                       |                |                            |





## SENATE STANDING COMMITTEE REPORT

March 19, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 223** (third reading copy -- blue) **be concurred in as amended.**

Signed: \_\_\_\_\_

*Keith Regier*  
Senator Keith Regier, Chair

To be carried by Senator Keith Regier

### **And, that such amendments read:**

1. Page 1, line 28.

Strike: "who has provided proof"

Insert: "if presented with credible evidence"

2. Page 2.

**Following:** line 1

**Insert:** "(5) To meet the duty established in this section, a public safety officer may not maintain custody of a person subject to a detainer for longer than 48 hours, excluding weekends and holidays, beyond the time that the person would otherwise have been released from custody."

- END -

**Committee Vote:**

**Yes 7, No 4**

Fiscal Note Required ☐

HB0223001SC13689.slk



## SENATE STANDING COMMITTEE REPORT

March 19, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 325** (third reading copy -- blue) **be concurred in as amended.**

Signed: \_\_\_\_\_

*Keith Regier*  
Senator Keith Regier, Chair

To be carried by Senator Bob Brown

### And, that such amendments read:

1. Page 2, line 12.  
Strike: "from"  
Insert: "for"

- END -

**Committee Vote:**

**Yes 7, No 4**

Fiscal Note Required ☐

HB0325001SC16494.slk



## SENATE STANDING COMMITTEE REPORT

March 19, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 504** (third reading copy -- blue) **be concurred in as amended.**

Signed: \_\_\_\_\_

*Keith Regier*  
Senator Keith Regier, Chair

To be carried by Senator Steve Hinebauch

### And, that such amendments read:

1. Page 1, line 24.

Following: "seize"

Insert: ", "

2. Page 2, line 25.

Following: "conviction."

Insert: "(5) Nothing in this section may be construed to infringe on the rights of private landowners or the person who is in control of the property, including a tenant or lessee, to regulate firearms on their property."

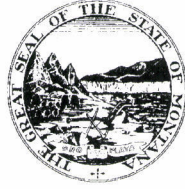
- END -

### Committee Vote:

**Yes 7, No 4**

Fiscal Note Required \_\_\_\_

HB0504001SC17591.slk



## SENATE STANDING COMMITTEE REPORT

March 19, 2021

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 258** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

*Keith Regier*  
Senator Keith Regier, Chair

To be carried by Senator Theresa Manzella

- END -

**Committee Vote:**

**Yes 6, No 5**

Fiscal Note Required   X  

HB0258001SC16510.slk

-----  
COMMITTEE FILE COPY

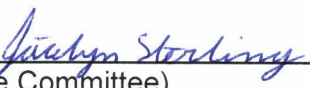
## BILL TABLED NOTICE

### SENATE JUDICIARY COMMITTEE

The **SENATE JUDICIARY COMMITTEE** TABLED

**HB 285 - Create cigar bars - Rep. Jeremy Trebas (R)**

by motion, on **Friday, March 19, 2021** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

  
\_\_\_\_\_  
(For the Committee)

  
\_\_\_\_\_  
(For the Secretary of the Senate)  
12:00p 3/19  
(Time) (Date)

March 19, 2021 (11:48am)

Jacelyn Sterling, Secretary

Phone: 444-4751

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3.19.2021 BILL NO HB223 MOTION NO. \_\_\_\_\_  
MOTION: Amendment HB223.1.1

| <u>NAME</u>           | <u>AYE</u>                          | <u>NO</u>                           | <u>Proxy</u>                        |
|-----------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| VICE CHAIR MCGILLVRAY | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| VICE CHAIR SANDS      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. ESP              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. HINEBAUCH        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. BENNETT          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. MANZELLA         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. WEBBER           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. BROWN            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| SEN. FRIEDEL          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| SEN. GROSS            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| CHAIRMAN REGIER       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
|                       | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 11 COMMITTEE MEMBERS  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3/19/2021 BILL NO HB223 MOTION NO. \_\_\_\_\_  
MOTION: Be concurred in as amended

| <u>NAME</u>           | AYE                                 | NO                                  | Proxy                               |
|-----------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| VICE CHAIR MCGILLVRAY | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| VICE CHAIR SANDS      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. ESP              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. HINEBAUCH        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. BENNETT          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. MANZELLA         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. WEBBER           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. BROWN            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| SEN. FRIEDEL          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| SEN. GROSS            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| CHAIRMAN REGIER       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
|                       | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 11 COMMITTEE MEMBERS  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |



**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3.19.2021 BILL NO HB 325 MOTION NO. \_\_\_\_\_  
MOTION: Amendment HB 325.1.1

| <u>NAME</u>           | <u>AYE</u> | <u>NO</u> | <u>Proxy</u> |
|-----------------------|------------|-----------|--------------|
| VICE CHAIR MCGILLVRAY | <u>—</u>   |           |              |
| VICE CHAIR SANDS      |            | <u>—</u>  |              |
| SEN. ESP              | <u>—</u>   |           |              |
| SEN. HINEBAUCH        | <u>—</u>   |           |              |
| SEN. BENNETT          |            | <u>—</u>  |              |
| SEN. MANZELLA         | <u>—</u>   |           |              |
| SEN. WEBBER           |            | <u>—</u>  |              |
| SEN. BROWN            | <u>—</u>   |           | <u>—</u>     |
| SEN. FRIEDEL          | <u>—</u>   |           | <u>—</u>     |
| SEN. GROSS            |            | <u>—</u>  |              |
| CHAIRMAN REGIER       | <u>—</u>   |           |              |
|                       |            |           |              |
| 11 COMMITTEE MEMBERS  |            |           |              |



**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3.19.2021 BILL NO HB 325 MOTION NO. \_\_\_\_\_

MOTION: Be concurred in as amended

| <u>NAME</u>           | <u>AYE</u>                          | <u>NO</u>                           | <u>Proxy</u>                        |
|-----------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| VICE CHAIR MCGILLVRAY | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| VICE CHAIR SANDS      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. ESP              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. HINEBAUCH        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. BENNETT          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. MANZELLA         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. WEBBER           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. BROWN            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| SEN. FRIEDEL          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. GROSS            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| CHAIRMAN REGIER       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
|                       | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 11 COMMITTEE MEMBERS  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3.19.2021 BILL NO HB 504 MOTION NO. \_\_\_\_\_  
MOTION: Amendment HB 504.1.2

| <u>NAME</u>           | AYE | NO | Proxy |
|-----------------------|-----|----|-------|
| VICE CHAIR MCGILLVRAY | ✓   |    |       |
| VICE CHAIR SANDS      |     | ✓  |       |
| SEN. ESP              | ✓   |    |       |
| SEN. HINEBAUCH        | ✓   |    |       |
| SEN. BENNETT          |     | ✓  |       |
| SEN. MANZELLA         | ✓   |    |       |
| SEN. WEBBER           |     | ✓  |       |
| SEN. BROWN            | ✓   |    | ✓     |
| SEN. FRIEDEL          | ✓   |    |       |
| SEN. GROSS            |     | ✓  |       |
| CHAIRMAN REGIER       | ✓   |    |       |
|                       |     |    |       |
| 11 COMMITTEE MEMBERS  |     |    |       |

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3-19-2021 BILL NO HB504 MOTION NO. \_\_\_\_\_  
MOTION: Concur as amended

| <u>NAME</u>           | <u>AYE</u> | <u>NO</u> | <u>Proxy</u> |
|-----------------------|------------|-----------|--------------|
| VICE CHAIR MCGILLVRAY | ✓          |           |              |
| VICE CHAIR SANDS      |            | ✓         |              |
| SEN. ESP              | ✓          |           |              |
| SEN. HINEBAUCH        | ✓          |           |              |
| SEN. BENNETT          |            | ✓         |              |
| SEN. MANZELLA         | ✓          |           |              |
| SEN. WEBBER           |            | ✓         |              |
| SEN. BROWN            | ✓          |           | ✓            |
| SEN. FRIEDEL          | ✓          |           |              |
| SEN. GROSS            |            | ✓         |              |
| CHAIRMAN REGIER       | ✓          |           |              |
|                       |            |           |              |
| 11 COMMITTEE MEMBERS  |            |           |              |

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3.19.2021 BILL NO HB 258 MOTION NO. \_\_\_\_\_  
MOTION: Be concurred in

| <u>NAME</u>           | AYE | NO | Proxy |
|-----------------------|-----|----|-------|
| VICE CHAIR MCGILLVRAY | ✓   |    |       |
| VICE CHAIR SANDS      |     | ✓  |       |
| SEN. ESP              |     | ✓  |       |
| SEN. HINEBAUCH        | ✓   |    |       |
| SEN. BENNETT          |     | ✓  |       |
| SEN. MANZELLA         | ✓   |    |       |
| SEN. WEBBER           |     | ✓  |       |
| SEN. BROWN            | ✓   |    | ✓     |
| SEN. FRIEDEL          | ✓   |    |       |
| SEN. GROSS            |     | ✓  |       |
| CHAIRMAN REGIER       | ✓   |    |       |
|                       |     |    |       |
| 11 COMMITTEE MEMBERS  |     |    |       |

**MONTANA STATE SENATE**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3.19.2021 BILL NO HB 285 MOTION NO. \_\_\_\_\_  
MOTION: Table

| <u>NAME</u>           | <u>AYE</u>                          | <u>NO</u>                           | <u>Proxy</u>                        |
|-----------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| VICE CHAIR MCGILLVRAY | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| VICE CHAIR SANDS      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. ESP              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. HINEBAUCH        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. BENNETT          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. MANZELLA         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. WEBBER           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. BROWN            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| SEN. FRIEDEL          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. GROSS            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| CHAIRMAN REGIER       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
|                       | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 11 COMMITTEE MEMBERS  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |



MONTANA STATE SENATE  
Roll Call Vote  
JUDICIARY COMMITTEE

DATE 3.19.2021 BILL NO HB 541 MOTION NO. \_\_\_\_\_

MOTION: Reconsider actions on tableing

Take From table

| NAME                  | AYE                                 | NO                                  | Proxy                               |
|-----------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| VICE CHAIR MCGILLVRAY | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| VICE CHAIR SANDS      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. ESP              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. HINEBAUCH        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. BENNETT          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. MANZELLA         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. WEBBER           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| SEN. BROWN            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| SEN. FRIEDEL          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| SEN. GROSS            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| CHAIRMAN REGIER       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
|                       | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 11 COMMITTEE MEMBERS  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            |

# SENATE PROXY

I, Senator Rob Brown, hereby authorize Senator Theresa Manzella to vote my proxy before the Senate Judiciary meeting held on 3.19.21, 2021.

  
Senator Signature

3.19.21  
Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]

# SENATE PROXY

I, Senator Friedel, hereby authorize Senator  
M. Gillmer to vote my proxy before the Senate  
Judiciary meeting held on \_\_\_\_\_, 2021.

  
\_\_\_\_\_  
Senator Signature

319-21

---

Date

Said authorization is as follows: *(mark only one)*

- ☐ All votes, including amendments.
- ☐ All votes as directed below on the listed bills, and all other votes.
- ☐ Votes only as directed below.

[illegible]



## 411

## HB 333 - Generally revise laws related to sexual and violent offenders

**PLEASE PRINT**

A graph on a grid showing a linear relationship. The line passes through the points (0, 10), (5, 0), and (10, -10). The equation of the line is  $y = -2x + 10$ .

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

#2

## HB 478 - Generally revise DUI laws

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE JUDICIARY COMMITTEE**

**Friday, March 19, 2021**

## HB 393 - Revise laws related to amendment of a parenting plan due to change in residence

**Sponsor: Rep. Jane Gillette (R)**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE JUDICIARY COMMITTEE**

## HB 331 - Requiring legislators to have access to adult and youth correctional facilities

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

#5

## HB 285 - Create cigar bars

PLEASE PRINT

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

## Senate Judiciary Zoom Testimony Request

Meeting: 03/19/2021 @ 8:00 AM

| Bill   | Name                 | Position              | Location      | Email                            | Affiliation                           |
|--------|----------------------|-----------------------|---------------|----------------------------------|---------------------------------------|
| HB 285 | Gage Henderson       | Proponent             | Polson        | gagehenderson7@gmail.com         | NA                                    |
|        | Annie Tegen          | Opponent              | Seattle, WA   | ategen@tobaccofreekids.org       | Tobacco-Free Kids                     |
|        | Bella Childre        | Opponent              | Bozeman       | fearless.sender@gmail.com        | Campaign for Tobacco-Free Kids        |
|        | David King           | Opponent              | Belgrade      | troutcreek1@outlook.com          | NA                                    |
|        | Kristin Page-Nei     | Opponent              | Missoula      | Kristin.page.nei@cancer.org      | America Cancer Society Action Network |
|        | Ross Prosperi        | Opponent              | Missoula      | Ross.prosperi@gmail.com          | NA                                    |
|        | Kathy Rogers         | Opponent              | Missoula      | mtrogersthompson@earthlink.net   | NA                                    |
|        | Char Day             | Opponent              | Durango, CO   | char.day@no-smoke.org            | Americans for Nonsmokers' Rights      |
|        | Carrie Nyssen        | Opponent              | Vancouver, WA | carrie.nyssen@lung.org           | American Lung Association             |
|        | Cynthia Stremba      | Opponent              | New York, NY  | cynthia@parentsagainstvaping.org | Parents Against Vaping                |
|        | Amanda Cahill        | Opponent              | Montana       | amanda.cahill@heart.org          | American Heart Association            |
|        | Linda Beischel       | Opponent              | Helena        | lindabee7999@gmail.com           | Montana Public Health Association     |
|        | Becky Schlauch       | Informational Witness | Seeley Lake   | becky.schlauch@mt.gov            | MT DOR - Alcoholic Beverage Control   |
| HB 331 | Mayson Simmons       | Proponent             | Polson        | maysimmons1@hotmail.com          | NA                                    |
|        | Laurie Little Dog    | Proponent             | Bozeman       | LaurieLittleDog@gmail.com        | NA                                    |
| HB 333 | Laurie Little Dog    | Proponent             | Bozeman       | LaurieLittleDog@gmail.com        | NA                                    |
|        | Matthew Bruce Sayler | Proponent             | Butte         | Matt.sayler@hotmail.com          | Montana Police Protective Association |
|        | Shinnah Sullivan     | Proponent             | Kalispell     | montanafamily5@gmail.com         | NA                                    |
|        | Mayre Flowers        | Proponent             | Kalispell     | MayreFlowers@Montanasky.net      | NA                                    |
| HB 393 | Christopher Gillette | Proponent             | Bozeman       | chris@cjgillette.com             | NA                                    |
|        | Gail H. Goheen       | Proponent             | Corvallis     | gail@goheenlaw.com               | NA                                    |
|        | Mars Scott           | Proponent             | Missoula      | pmarsscott@pmarsscott.com        | NA                                    |

**SENATE JOURNAL  
67TH LEGISLATURE  
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 31, 2021

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Gross excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair):

3/31/2021

Correctly printed: **SB 403, SB 404, SB 405, SB 406, SB 407, SB 408, SJ 22, SR 74, HB 57, HB 66, HB 280, HB 357, HB 380, HB 407, HB 451, HB 463, HB 480, HB 482, HB 549, HB 558, HB 609, HJ 19.**

Correctly engrossed: **HB 112, HB 439, HB 501, HB 599.**

Examined by the sponsor and found to be correct: **SB 339.**

Transmitted to the House: **SB 269, SB 320, HB 50, HB 307, HB 328, HB 364, HB 386, HB 459, HB 494, HB 499, HB 556, HJ 6.**

Signed by the Speaker at 10:20 a.m., March 31, 2021: **SB 58, SB 60, SB 113, SB 120, SB 127, SB 145, SB 193, SB 221, SB 305.**

Delivered to the Governor for signature at 11:29 a.m., March 31, 2021: **SB 58, SB 60, SB 113, SB 120, SB 127, SB 145, SB 193, SB 221, SB 305.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Lang, Chair):

3/30/2021

**HB 302**, be concurred in.

**ENERGY AND TELECOMMUNICATIONS** (Ankney, Chair):

3/30/2021

**SB 86**, do pass.

**HB 170**, be concurred in.

**FISH AND GAME** (Hinebauch, Chair):

3/30/2021

**SB 384**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "REVISING"

Strike: "LAWS RELATED TO"

2. Title, line 5 through line 6.

Strike: "REVISING" on line 5 through "FUNDS;" on line 6

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3. Title, line 7.

Strike: "SECTIONS"

Insert: "SECTION"

4. Title, line 7.

Strike: "69-3-308, AND 80-7-1004,"

Strike: "REPEALING SECTION 15-72-601, MCA;"

5. Title, line 8.

Following: "PROVIDING"

Insert: "AN"

6. Title, line 8.

Strike: "DATES"

Insert: "DATE"

7. Page 2, line 9 through page 4, line 22.

Strike: sections 2 through 5 in their entirety

**Renumber:** subsequent sections

8. Page 4, line 24.

Strike: "**dates**"

Insert: "**date**"

9. Page 4, line 24.

Strike: "(1) Except as provided in subsection (2), [this"

Insert: "[This"

10. Page 4, line 26.

Strike: subsection (2) in its entirety

And, as amended, do pass.

**SR 88**, be adopted.

**HB 468**, be concurred in.

**HIGHWAYS AND TRANSPORTATION** (Vance, Chair):

3/30/2021

**SB 392**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "DEPARTMENT"

Strike: "A PORTION OF"

2. Title, line 7 through line 8.

Strike: "PROVIDING" on line 7 through "NEGOTIATION;" on line 8



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3. Page 1, line 13.

Strike: "**easement**"

Insert: "**right-of-way**"

4. Page 1, line 14.

Strike: "an easement"

Insert: "a right-of-way use agreement"

5. Page 1, line 16.

Strike: "an"

Insert: "a significant"

6. Page 1, line 16.

Following: "investment,"

Insert: "a"

7. Page 1, line 17.

Following: "positive"

Insert: "significant"

Following: "both,"

Strike: "of at least \$100 million"

8. Page 1, line 18.

Strike: "and"

9. Page 1, line 19.

Strike: "provide a public benefit"

Insert: "are in the public interest; and

(c) are approved by the federal highway administration"

10. Page 1, line 20.

Strike: "an easement"

Insert: "a right-of-way use agreement"

11. Page 1, line 22.

Following: "shall"

Insert: "work with the applicant and the federal highway administration throughout the review process and"

12. Page 1, line 22.

Strike: "receipt"

Insert: "approval by the federal highway administration"

13. Page 1, line 23 through line 25.

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Following: "(3)" on line 23

Strike: remainder of line 23 through "(b)" on line 25

14. Page 1, line 25 through line 26.

Strike: "negotiate" on line 25 through "faith" on line 26

Insert: "agree to the payment of the fair market value of the portion of the right-of-way where the project will be located"

15. Page 1, line 26.

Strike: "easement"

Insert: "right-of-way use agreement"

16. Page 1, line 28.

Strike: "an easement"

Insert: "a right-of-way use agreement and any rules necessary to ensure the state is not prevented from receiving federal funds for highway purposes"

17. Page 2, line 2.

Strike: "designed to store or carry hydrogen and"

Insert: "or"

18. Page 2, line 3.

Following: "cables"

Insert: "and associated infrastructure"

19. Page 2, line 4.

Strike: "benefit"

Insert: "interest"

20. Page 2, line 4 through line 6.

Strike: "means" on line 4 through "infrastructure" on line 6

Insert: "is determined by federal highway administration guidance"

And, as amended, do pass.

**HB 264**, be concurred in.

**HB 586**, be concurred in.

**HB 598**, be concurred in.

**JUDICIARY** (Regier, Chair):

3/25/2021

**HB 555**, be amended as follows:

1. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

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2. Page 1.

Following: line 21

Insert: "NEW SECTION. Section 2. {standard} **Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

**JUDICIARY** (Regier, Chair):

3/31/2021

**HB 391**, be concurred in.

**HJ 4**, be amended as follows:

1. Page 3, line 3.

Following: "Services,"

Insert: "the Department of Corrections, family members of individuals in the correctional system with mental illness, including family members of those in the Forensic Mental Health Facility,"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** concurred in and returned to the Senate:

3/30/2021

**SB 248**, introduced by E. Boldman

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments:

3/30/2021

**SB 354**, introduced by S. Hinebauch

**Senate amendments to House bills** concurred in:

3/30/2021

**HB 34**, introduced by F. Smith

**HB 47**, introduced by W. McKamey

**HB 163**, introduced by P. Fielder

**HB 176**, introduced by S. Greef

**HB 349**, introduced by M. Hopkins

**HB 379**, introduced by S. Vinton

**HB 8**, introduced by M. Hopkins, requiring adoption by an affirmative roll call vote of three-fourths of the members of each house, passed the House and was transmitted to the Senate

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with the following vote:

3/30/2021

Yeas -99      Nays - 0

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 8**, introduced by M. Hopkins (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 423** - Majority Leader Smith moved consideration of **HB 423** be passed for the day. Without objection, so ordered.

**SR 91** - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 91**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.  
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

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**SR 94** - Senator Howard moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 94**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.  
Total 0

Voted absentee: Gross, Aye.

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**SB 300 - House Amendments** - Senator Glimm moved House amendments to **SB 300** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Mr. President.  
Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber, Welborn.  
Total 20

Voted absentee: Gross, No.

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**HB 258** - Senator McGillvray moved **HB 258** be concurred in. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie,

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Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 20

Voted absentee: Gross, No.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 382** - Senator Sands moved **HB 382** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lynch, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Webber.

Total 35

Nays: Bogner, Brown, Ellsworth, Glimm, Hertz, Howard, Kary, Lang, Manzella, Osmundson, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 15

Voted absentee: Gross, Aye.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 394** - Senator Hertz moved **HB 394** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

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Total 50

Nays: None.

Total 0

Voted absentee: Gross, Aye.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 616** - Senator Hertz moved **HB 616** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.

Total 0

Voted absentee: Gross, Aye.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 298** - Senator Hertz moved **HB 298** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.

Total 0

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Voted absentee: Gross, Aye.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**SB 376** - Senator Hertz moved **SB 376** do pass. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 19

Voted absentee: Gross, No.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 589** - Senator Fitzpatrick moved **HB 589** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.

Total 0

Voted absentee: Gross, Aye.

Excused: Gross.

Total 1



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Absent or not voting: None.

Total 0

**HB 201** - Senator Hinebauch moved **HB 201** be concurred in. Motion carried as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Mr. President.

Total 27

Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber, Welborn.

Total 23

Voted absentee: Gross, No.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 426** - Majority Leader Smith moved consideration of **HB 426** be passed for the day.

Without objection, so ordered.

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, Molnar, O'Brien, Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.

Total 41

Nays: Bennett, Boland, Cohenour, Jacobson, McNally, Morigeau, Pomnichowski, Webber.

Total 8

Voted absentee: None.

Excused: Gross.

Total 1

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Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 169, as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr.

President.

Total 31

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 18

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**SB 196, as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Welborn, Mr. President.

Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Vance, Webber.

Total 20

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

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Total 0

**SB 211, as amended by the House**, passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.

Total 19

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

Vote totals include a change of vote from Yes to No by Senator Jacobson under Motions.

**SB 230, as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 57** concurred in as follows:

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Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 49

Nays: None.  
Total 0

Voted absentee: None.

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**HB 66** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.  
Total 48

Nays: Vance.  
Total 1

Voted absentee: None.

Excused: Gross.  
Total 1

Absent or not voting: None.  
Total 0

**HB 231** concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.  
Total 32

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Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Webber.

Total 17

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

Vote totals include a change of vote from Yes to No by Senator Jacobson under Motions.

**HB 280** concurred in as follows:

Yeas: Bennett, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, McNally, Molnar, Morigeau, Osmundson, Pope, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.

Total 37

Nays: Ankney, Boland, Boldman, Ellis, Hertz, Jacobson, Lynch, McClafferty, O'Brien, Pomnichowski, Sands, Sweeney.

Total 12

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 407** concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Vance, Welborn, Mr. President.

Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Tempel, Webber.

Total 20

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Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 482** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**HB 558** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Gross.

Total 1

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Absent or not voting: None.

Total 0

**HB 609** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: None.

Total 0

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Majority Leader Smith moved that **SB 376**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved to appoint a Free Conference Committee on **SB 300** and request the House to appoint a like committee. Motion carried. President Blasdel appointed:

3/31/2021

Senator Glimm, Chair

Senator Sands

Senator Vance

Senator Jacobson moved to change his third-reading vote on **SB 211** from Yes to No, and further moved to change his third-reading vote on **HB 231** from Yes to No. Without objection, so ordered.

Senator Molnar moved that **SB 390** be taken from the Taxation Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Flowers, Friedel, Glimm, Howard, Jacobson, Keenan, Lynch, McClafferty, McGillvray, Molnar, Morigeau, Pomnichowski, Pope, Sands, Small, Sweeney, Tempel.

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Total 21

Nays: Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Fox, Gauthier, Gillespie, Hertz, Hinebauch, Hoven, Kary, Lang, Manzella, McNally, O'Brien, Osmundson, Regier K, Sales, Salomon, Smith C, Vance, Webber, Welborn, Mr. President.

Total 28

Voted absentee: None.

Excused: Gross.

Total 1

Absent or not voting: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Thursday, April 1, 2021, the sixty-fourth legislative day. Motion carried.

Senate adjourned at 2:12 p.m.

MARILYN MILLER  
Secretary of the Senate

MARK BLASDEL  
President of the Senate



**SENATE JOURNAL  
67TH LEGISLATURE  
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 1, 2021

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Blasdel presiding. Invocation by Pastor Steve Bostrom. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair):

4/1/2021

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-sixth through the sixtieth legislative days, find the same to be correct.

Correctly printed: **SB 86, SB 376, SR 88, SR 91, SR 94, HB 8, HB 170, HB 201, HB 258, HB 264, HB 298, HB 302, HB 382, HB 391, HB 394, HB 465, HB 586, HB 589, HB 598, HB 616.**

Correctly engrossed: **SB 384, SB 392, HB 555, HJ 4.**

Correctly enrolled: **SB 33, SB 43, SB 55, SB 98, SB 135, SB 156, SB 171, SB 178, SB 217, SB 222, SJ 9, SR 38, SR 84, SR 87, SR 89.**

Examined by the sponsor and found to be correct: **SB 33, SB 43, SB 55, SB 98, SB 135, SB 156, SB 171, SB 178, SB 217, SB 222, SJ 9, SR 38, SR 84, SR 87, SR 89.**

Transmitted to the House: **HB 57, HB 66, HB 231, HB 280, HB 407, HB 482, HB 558, HB 609.**

Signed by the Secretary of the Senate at 4:15 p.m., March 30, 2021: **SB 131, SB 161.**

Signed by the Secretary of the Senate at 11:30 a.m., March 31, 2021: **SB 339.**

Signed by the President at 6:15 a.m., April 1, 2021: **SB 131, SB 161, SB 339.**

Signed by the Speaker at 3:11 p.m., April 1, 2021: **SB 131, SB 161, SB 339.**

Delivered to the Governor for signature at 4:20 p.m., April 1, 2021: **SB 131, SB 161, SB 339.**

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair):

4/1/2021

**SB 396**, do pass.

**SB 398**, do pass.

**HB 525**, be concurred in.

**JUDICIARY** (Regier, Chair):

3/31/2021

**HB 92**, be amended as follows:

1. Page 1, line 19.

**Following:** "commit;"

**Strike:** "and"

2. Page 2, line 20.

**Following:** "STATE"

**Strike:** "OR FEDERAL"

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3. Page 2, line 23.

**Following:** "STATE"

**Strike:** "OR FEDERAL"

4. Page 3, line 11.

**Strike:** "CLEAR AND CONVINCING"

**Insert:** "a preponderance of the"

5. Page 4, line 8.

**Following:** "STATE"

**Strike:** "OR FEDERAL"

6. PAGE 7, LINE 5.

**FOLLOWING:** "EXCEPT"

**Insert:** "for other claims in state court"

7. PAGE 7, LINE 10 THROUGH LINE 11.

**FOLLOWING:** "AGREEMENT"

**STRIKE:** ", LESS" ON LINE 10 THROUGH "AGREEMENT," ON LINE 11

8. PAGE 7, LINE 15.

**FOLLOWING:** "EXCEPT"

**Insert:** "for other claims in state court"

9. PAGE 7, LINE 19 THROUGH LINE 21.

**FOLLOWING:** "[SECTION 5]"

**STRIKE:** ", LESS" ON LINE 19 THROUGH "AGREEMENT" ON LINE 21

And, as amended, be concurred in.

**LOCAL GOVERNMENT** (Gauthier, Chair):

3/31/2021

**SB 403**, do pass.

**HB 450**, be amended as follows:

1. Title, line 6.

Following: "REGULATIONS;"

Insert: "PROVIDING ADDITIONAL REQUIREMENTS FOR COURT-ORDERED DIVISIONS OF LAND;"

2. Page 1, line 18.

Strike: "(4)"

Insert: "(6)"

3. Page 2.

Following: line 1

Insert: "(3) Except as provided in subsection (4), if a court of record orders a division of land under subsection (1)(a) that distributes real property as a result of the dissolution of a business entity, the court may:

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- (a) divide the real property according to the percentages of ownership of the business entity being dissolved;
  - (b) if more than one lot exists, divide each lot according to the percentages of ownership of the business entity being dissolved; and
  - (c) combine adjacent lots under the ownership of the business entity being dissolved and divide the aggregated lots by percentage of ownership.
- (4) A court may not:
- (a) approve a division of land as allowed in subsection (3) that creates more lots than persons receiving property; or
  - (b) authorize the division of land into a subdivision unless the subdivision has met the requirements of Title 76, chapter 3, parts 5 and 6, and chapter 4."

**Renumber:** subsequent subsections

4. Page 2, line 9.

**Strike:** "~~(5)~~"

**Insert:** "(7)"

5. Page 2, line 11.

**Strike:** "~~(4)(b)~~"

**Insert:** "(6)(b)"

And, as amended, be concurred in.

**HB 527**, be amended as follows:

1. Title, line 5 through line 7.

**Strike:** "REQUIRING" on line 5 through "DISTRICT;" on line 7

2. Title, line 9 through line 11.

**Following:** "COMMISSIONERS;" on line 9

**Insert:** "PROHIBITING ZONING REGULATIONS FROM REGULATING MINERALS OR MINERAL RIGHTS;"

**Strike:** "PROVIDING" on line 9 through "OWNERS;" on line 11

3. Title, line 11.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

4. Title, line 11.

**Following:** "76-2-101"

**Insert:** ", 76-2-109, AND 82-11-112"

5. Page 1, line 17.

**Following:** "(1)"

**Strike:** "~~(a)~~"

6. Page 1, line 22 through line 25.

**Strike:** subsection (b) in its entirety

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7. Page 2, line 17 through line 19.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

8. Page 2, line 21.

**Following:** "be"

**Strike:** "substantially"

9. Page 2.

**Following:** line 23

**Insert:** "**Section 2.** Section 76-2-109, MCA, is amended to read:

**"76-2-109. Effect on natural resources.** (1) No planning district or recommendations Regulations adopted under this part shall may not regulate lands used for grazing, horticulture, agriculture, or the growing of timber, or the complete use, development, or recovery of any mineral.

(2) (a) A provision of this part may not be construed to alter law regarding the primacy of the mineral estate, to limit access to the mineral estate, or to limit development of the mineral estate.

(b) A resolution or rule adopted pursuant to the provisions of this part may not prevent the complete use, development, or recovery of any mineral that is under the jurisdiction of the board of oil and gas conservation pursuant to Title 82, chapter 11, part 1."

**Insert:** "**Section 3.** Section 82-11-112, MCA, is amended to read:

**"82-11-112. Intergovernmental cooperation.** The Subject to 76-2-109, the board may cooperate with any other state, interstate, or federal agency and other governmental agencies of the state to effect the objects and purposes of this chapter and expend such funds as may be reasonably necessary in connection therewith."

**Renumber:** subsequent sections

And, as amended, be concurred in.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair):

3/31/2021

**SB 377**, do pass.

**HB 90**, be amended as follows:

1. Page 1, line 14.

**Following:** "whether"

**Insert:** "there is probable cause"

2. Page 3, line 22.

**Following:** "filed"

**Insert:** "in accordance with 41-3-422"

And, as amended, be concurred in.

**HB 477**, be concurred in.

**HB 502**, be amended as follows:

1. Page 2, line 21.

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**Following:** "adopted"

**Insert:** ", provided that the attorney or health care provider shall also provide an expectant parent and prospective adoptive parent with a list of agencies licensed to assist with adoption support services and counseling"

And, as amended, be concurred in.

**HB 503**, be amended as follows:

1. Page 3, line 18.

**Following:** "hearing"

**Insert:** "within 5 days"

2. Page 3, line 19.

**Following:** "hearing"

**Insert:** "within 20 days"

3. Page 3, line 19.

**Following:** "hearings;"

**Strike:** "and"

4. Page 3.

**Following:** line 19

**Insert:** "(c) provide contact information for the social worker, the social worker's supervisor, and the office of state public defender; and"

5. Page 3, line 20.

**Following:** "(c)"

**Insert:** "(d)"

6. Page 3, line 21.

**Following:** the first "person"

**Insert:** ":

(i) has the right to receive a copy of the affidavit as provided in subsection (6);

(ii) has the right to attend and participate in an emergency protective services hearing, if one is requested, and the show-cause hearing, including providing statements to the judge;

(iii)"

7. Page 3, line 22.

**Following:** "services"

**Insert:** "; and

(iv) may request that the child be placed in a kinship foster home as defined in 52-2-602"

And, as amended, be concurred in.

**STATE ADMINISTRATION** (Kary, Chair):

3/31/2021

**HJ 8**, be concurred in.

**HJ 9**, be concurred in.

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Without objection, committee reports were adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 20**  
Report No. 002, April 1, 2021

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 20** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 20** (reference copy -- salmon) be amended as follows:

1. Page 1, line 14.

**Following:** "available"

**Insert:** "for service at all times"

2. Page 1, line 26.

**Following:** "pilot"

**Insert:** "or an airplane passenger"

3. Page 2, line 6.

**Following:** "service"

**Insert:** "at all times"

For the Senate:

Vance, Chair  
Ellsworth  
Sands

For the House:

Beard, Vice Chair  
Berglee  
Harvey

Without objection, the select committee report was adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate amendments to House bill** concurred in:

3/31/2021

**HB 223**, introduced by B. Mercer

**HB 14**, introduced by M. Hopkins, requiring adoption by an affirmative roll call vote of two-thirds of each house of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/31/2021

Yeas - 92    Nays - 5

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**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 14**, introduced by M. Hopkins (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sands in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SR 74** - Senator Kary moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 74**. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.  
Total 0

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SR 88** - Senator Hinebauch moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 88**.

**SR 88** - Senator Cohenour moved **SR 88**, second reading copy, be amended as follows:

1. Page 1, line 12.

**Strike:** "Patrick Tabor, Whitefish, Montana, appointed to a term ending January 1, 2025."

Amendment **failed** as follows:

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Yeas: Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber.

Total 22

Nays: Ankney, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 28

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SR 88** - Thereupon, the Senate reverted to the original motion of Senator Hinebauch which passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJ 22** - Senator McClafferty moved **SJ 22** do pass. Motion carried as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Fox, Gauthier, Glimm, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sales, Salomon, Sands, Sweeney, Webber.

Total 30

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Friedel, Gillespie, Hertz, Kary, Lang, Manzella, McGillvray, Osmundson, Regier K, Small, Smith C, Tempel, Vance, Welborn, Mr. President.



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Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 374** - Majority Leader Smith moved **SB 374** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 378** - Senator Fitzpatrick moved **SB 378** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hoven, Jacobson, Kary, Lang, Lynch, Manzella, McClafferty, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Salomon, Sands, Small, Sweeney, Vance, Webber, Welborn, Mr. President.

Total 42

Nays: Cuffe, Hinebauch, Howard, Keenan, McGillvray, Sales, Smith C, Tempel.

Total 8

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HJ 15** - Senator Cohenour moved **HJ 15** be concurred in. Motion **failed** as follows:

Yeas: Bennett, Boland, Boldman, Cohenour, Ellis, Fitzpatrick, Flowers, Fox, Gauthier, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.  
Total 23

Nays: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Friedel, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.  
Total 27

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJ 15** - Majority Leader Smith moved **HJ 15** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.  
Total 32

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.  
Total 18

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 574** - Senator McGillvray moved **HB 574** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

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Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 333** - Senator Molnar moved **SB 333** do pass.

**SB 333** - Senator Molnar moved **SB 333**, second reading copy, be amended as follows:

1. Page 2, line 1.

**Following:** "\$50,000"

**Insert:** "from the account in 30-14-143"

2. Page 2, line 7.

**Strike:** "justice"

**Insert:** "transportation"

Amendment **adopted** as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 333** - As amended, **SB 333** passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau,

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O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 45

Nays: Boldman, Cuffe, Kary, Osmundson, Sweeney.  
Total 5

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 354 - House Amendments** - Senator Hinebauch moved House amendments to **SB 354** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.  
Total 0

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 463** - Senator McGillvray moved **HB 463** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.  
Total 0

Voted absentee: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 451** - Senator Brown moved **HB 451** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Webber, Welborn, Mr. President.

Total 47

Nays: Cuffe, Glimm, Vance.

Total 3

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 480** - Senator Esp moved **HB 480** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 155** - Senator McGillvray moved **HB 155** be concurred in. Motion carried as follows:

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Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.  
Total 0

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

President Blasdel assumed the chair.

**HJ 19** - Senator Sands moved **HJ 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.  
Total 0

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Majority Leader Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Blasdel presiding.

Chair Sands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Bogner, Boldman, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McGillvray, McNally, Molnar, Morigeau, O'Brien,

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Osmundson, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Welborn, Mr. President.  
Total 44

Nays: Boland, Cohenour, Gross, McClafferty, Pomnichowski, Webber.  
Total 6

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 112** concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Small, Smith C, Tempel, Vance, Welborn, Mr. President.  
Total 29

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Salomon, Sands, Sweeney, Webber.  
Total 21

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 201** concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Osmundson, Regier K, Sales, Salomon, Smith C, Tempel, Vance, Mr. President.  
Total 28

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Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Jacobson, Lynch, McClafferty, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Small, Sweeney, Webber, Welborn.

Total 22

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 258** concurred in as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Friedel, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Howard, Kary, Keenan, Lang, Manzella, McGillvray, Molnar, Osmundson, Regier K, Sales, Salomon, Small, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 30

Nays: Bennett, Boland, Boldman, Cohenour, Ellis, Flowers, Fox, Gross, Hoven, Jacobson, Lynch, McClafferty, McNally, Morigeau, O'Brien, Pomnichowski, Pope, Sands, Sweeney, Webber.

Total 20

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 298** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 50

Nays: None.

Total 0

Voted absentee: None.

Excused: None.



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Total 0

Absent or not voting: None.

Total 0

**HB 382** concurred in as follows:

Yeas: Ankney, Bennett, Boland, Boldman, Cohenour, Ellis, Esp, Flowers, Fox, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Sweeney, Webber.

Total 32

Nays: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Friedel, Glimm, Hertz, Howard, Kary, Keenan, Lang, Osmundson, Smith C, Tempel, Vance, Welborn, Mr. President.

Total 18

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 394** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.

Total 49

Nays: Morigeau.

Total 1

Voted absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 589** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch,

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Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.  
Total 0

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 616** concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Boldman, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Fox, Friedel, Gauthier, Gillespie, Glimm, Gross, Hertz, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Lynch, Manzella, McClafferty, McGillvray, McNally, Molnar, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Regier K, Sales, Salomon, Sands, Small, Smith C, Sweeney, Tempel, Vance, Webber, Welborn, Mr. President.  
Total 50

Nays: None.  
Total 0

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Osmundson, Chair): 4/1/2021  
**SB 232**, do pass.  
**SB 285**, do pass.  
**SB 336**, do pass.

**JUDICIARY** (Regier, Chair): 4/1/2021  
**SB 402**, do pass.  
**HB 244**, be concurred in.

**LOCAL GOVERNMENT** (Gauthier, Chair): 4/1/2021  
**SB 385**, introduced bill, be amended as follows:

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1. Title, line 7 through line 9.

**Strike:** "LIMITING" on line 7 through "LOANS;" on line 9

2. Page 8, line 27.

**Strike:** "subject to subsection (6),"

**Insert:** "whether the levy is permanent or"

3. Page 9, line 13 through line 18.

**Strike:** subsection (6) in its entirety

And, as amended, do pass.

**SB 388**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "OF A"

**Insert:** "FUTURE"

2. Title, line 9.

**Following:** "7-15-4288,"

**Insert:** "AND"

**Following:** "7-15-4292,"

**Strike:** "AND 7-15-4324,"

3. Page 3, line 9.

**Following:** "systems"

**Strike:** "1"

**Insert:** "including natural gas, electrical and"

4. Page 3, line 9.

**Strike:** "systems"

**Insert:** "lines"

5. Page 3, line 10.

**Following:** "housing,"

**Insert:** "streets,"

6. Page 4, line 17.

**Following:** "subsections (2)(b)"

**Insert:** ", (2)(c),"

7. Page 4, line 21.

**Strike:** "The"

**Insert:** "For targeted economic development districts in existence prior to July 1, 2021, and urban renewal areas, the combined mill rates used to calculate the tax increment may not include mill rates for:

(i) the university system mills levied pursuant to 15-10-109 and 20-25-439; and

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(ii) a new mill levy approved by voters as provided in 15-10-425 after the adoption of a tax increment provision.

(c) For targeted economic development districts created after June 30, 2021, the"

9. Page 7, line 1.

**Strike:** ", but in no event may"

**Insert:** ". For targeted economic development districts created after June 30, 2021,"

10. Page 7, line 2.

**Following:** "bonds"

**Insert:** "may not"

11. Page 7, line 2.

**Strike:** "20"

**Insert:** "25"

12. Page 7, line 25 through page 8, line 10.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair):

3/31/2021

**HB 334**, be amended as follows:

1. Page 3, line 10 through line 13.

**Strike:** subsection (c) in its entirety

**Insert:** "(c) The medical exemption statement must be signed by a person who:

(i) is licensed, certified, or otherwise authorized by the laws of any state or Canada to provide health care as defined in 50-16-504;

(ii) is authorized within the person's scope of practice to administer the immunizations to which the exemption applies; and"

2. Page 3, line 14.

**Strike:** "(i)"

**Insert:** "(iii) has"

**Following:** "exemption"

**Strike:** ".<sub>1</sub>"

3. Page 3, line 15.

**Strike:** "(ii)"

**Insert:** "has"

4. Page 3, line 15.

**Following:** "person"

**Insert:** "seeking an exemption"

And, as amended, be concurred in.

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**TAXATION** (Hoven, Chair):

4/1/2021

**SB 399**, introduced bill, be amended as follows:

1. Title, line 17.

Following: "15-31-162,"

Insert: "15-31-163,"

2. Title, line 18.

Following: "15-32-106,"

Insert: "15-32-610,"

3. Title, line 24.

**Following:** "15-30-2326,"

**Strike:** "15-30-2342,"

4. Title, line 25.

**Following:** "15-31-137,"

**Strike:** "15-31-151,"

5. Title, line 25 through line 26.

Strike: "15-31-163,"

6. Title, line 28 through page 2, line 1.

Following: "15-32-510," on line 28

Strike: remainder of line 28 through "15-32-611," on page 2, line 1

7. Page 3, line 12.

Strike: "(3)(l)"

Insert: "(3)(m)"

8. Page 4, line 26.

Following: "deducted;"

Strike: "and"

9. Page 5, line 1.

Following: "income"

Insert: "; and

(m) the amount of the gain recognized from the sale or exchange of a mobile home park as provided in 15-31-163"

10. Page 11, line 13.

Strike: "2022"

Insert: "2021"

11. Page 21, line 21.

Following: "17-6-316;"

Strike: "and"

12. Page 21, line 23.

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Following: "15-31-162"

Insert: "; and

(c) the credit for property to recycle or manufacture using recycled material provided for in Title 15, chapter 32, part 6"

13. Page 21, line 24.

**Strike:** "credit for unlocking state lands provided for in 15-30-2380"

**Insert:** "following tax credits"

14. Page 21, line 25.

**Following:** "2025:"

**Insert:** ":",

15. Page 22, line 3.

**Following:** "~~in 15-30-2380~~"

**Insert:** "(a) the credit for preservation of historic buildings provided for in 15-30-2342 and 15-31-151; and

(b) the credit for unlocking state lands provided for in 15-30-2380"

16. Page 42.

Following: line 6

Insert: "**Section 28.** Section 15-31-163, MCA, is amended to read:

**"15-31-163. Capital gain exclusion from sale of mobile home park.** (1) The following amount of the gain recognized from the sale or exchange of a mobile home park as defined in 70-33-103 is excluded from ~~adjusted gross~~ Montana taxable income or gross income under chapter 30 or 31:

(a) 100% of the recognized gain for a mobile home park with 50 or fewer lots; or

(b) 50% of the recognized gain for a mobile home park with more than 50 lots.

(2) To qualify for the exclusion under this section, the sale must be made to:

(a) a tenants' association or a mobile home park residents' association;

(b) a nonprofit organization under section 501(c)(3) of the Internal Revenue Code that purchases a mobile home park on behalf of tenants' association or mobile home park residents' association;

(c) a county housing authority created under Title 7, chapter 15, part 21; or

(d) a municipal housing authority created under Title 7, chapter 15, parts 44 and 45.

(3) A corporation, an individual, a partnership, an S. corporation, or a disregarded entity qualifies for the exclusion under this section. If the exclusion allowed under this section is taken by a partnership, an S. corporation, or a disregarded entity, the exclusion must be attributed to shareholders, partners, or other owners using the same proportion used to report the partnership's, S. corporation's, or disregarded entity's income or loss for Montana income tax purposes.

(4) For the purpose of this section, "tenants' association" or "mobile home park residents' association" means a group of six or more tenants who reside in a mobile home park, have organized for the purpose of eventual purchase of the mobile home park, have established bylaws of the association, and have obtained the approval by vote of at least 51% of the residents of the mobile home park to purchase the mobile home park.

(5) Property subject to an income or corporate tax exclusion under this section is not eligible for a property tax exemption under Title 15, chapter 6, part 2, while the property is used as a mobile home park.""

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**Renumber:** subsequent sections

17. Page 45.

Following: line 10

Insert: "**Section 32.** Section 15-32-610, MCA, is amended to read:

**"15-32-610. Deduction for purchase of recycled material.** In addition to all other deductions from ~~adjusted gross individual~~ Montana taxable income allowed in computing taxable income under Title 15, chapter 30, or from gross corporate income allowed in computing net income under Title 15, chapter 31, part 1, a taxpayer may deduct an additional amount equal to 10% of the taxpayer's expenditures for the purchase of recycled material that was otherwise deductible by the taxpayer as business-related expense in Montana.""

**Renumber:** subsequent sections

18. Page 92, line 21.

**Strike:** "15-30-2342. Credit for preservation of historic buildings."

19. Page 93, line 5.

**Strike:** "15-31-151. Credit for preservation of historic buildings."

20. Page 93, line 6.

**Strike:** "15-31-163. Capital gain exclusion from sale of mobile home park."

21. Page 94, line 1 through line 8.

**Strike:** line 1 through line 8 in their entirety

And, as amended, do pass.

Without objection, committee reports were adopted.

**MOTIONS**

Majority Leader Smith moved **SB 333**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Smith moved to appoint a Free Conference Committee on **SB 354** and request the House to appoint a like committee. Motion carried. President Blasdel appointed:

4/1/2021

Senator Hinebauch, Chair

Senator Fitzpatrick

Senator McClafferty

Senator Hoven moved to take **SB 387** from the State Administration Committee and place it on second reading the sixty-fifth legislative day. Motion **failed** as follows:

Yeas: Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Glimm, Hertz, Hinebauch, Hoven, Howard, Keenan, Lang, Manzella, Molnar, Regier K, Salomon, Smith C, Mr. President.  
Total 20

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Nays: Ankney, Bennett, Boland, Boldman, Cohenour, Cuffe, Ellis, Flowers, Fox, Friedel, Gross, Jacobson, Kary, Lynch, McClafferty, McGillvray, McNally, Morigeau, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Sweeney, Tempel, Vance, Webber, Welborn.  
Total 30

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Senator Hertz moved to take **SB 397** from the Local Government Committee and place it on second reading the sixty-fifth legislative day. Motion **failed** as follows:

Yeas: Boldman, Brown, Ellsworth, Fitzpatrick, Friedel, Gauthier, Glimm, Hertz, Hinebauch, Hoven, Jacobson, Keenan, Lynch, Manzella, McGillvray, Morigeau, Regier K, Salomon, Smith C, Sweeney, Mr. President.  
Total 21

Nays: Ankney, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Flowers, Fox, Gillespie, Gross, Howard, Kary, Lang, McClafferty, McNally, Molnar, O'Brien, Osmundson, Pomnichowski, Pope, Sales, Sands, Small, Tempel, Vance, Webber, Welborn.  
Total 29

Voted absentee: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair):  
**HB 158**, be amended as follows:

3/31/2021

1. Page 2, line 15 through line 16.  
Strike: "USING" on line 15 through "RESOURCES" on line 16

And, as amended, be concurred in.

**HB 276**, be amended as follows:

1. Page 2.  
Following: line 11



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**Insert:** "COORDINATION SECTION. Section 3. Coordination instruction. If House Bill No. 477 and [this act] are passed and approved and if both contain a section that amends 2-15-1744, then the sections amending 2-15-1744 are void and 2-15-1744 must be amended as follows:

**"2-15-1744. Board of behavioral health.** (1) (a) The governor shall appoint, with the consent of the senate, a board of behavioral health consisting of nine members.

(b) ~~Three~~ Two members must be licensed social workers, and ~~three~~ two must be licensed professional counselors. ~~At least one of these members who is licensed as a social worker or professional counselor must also be licensed as a marriage and family therapist.~~

(c) One member must be appointed from and represent the general public and may not be engaged in social work.

(d) Two members must be licensed addiction counselors.

(e) One member must be a certified behavioral peer support specialist.

(f) One member must be a licensed marriage and family therapist.

(2) The board is allocated to the department for administrative purposes only as provided in 2-15-121.

(3) Members shall serve staggered 4-year terms.""

And, as amended, be concurred in.

Without objection, committee reports were adopted.

**SPECIAL ORDERS OF THE DAY**

Senator Glimm thanked the Pages for their service this week.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Smith moved the Senate adjourn until 1:00 p.m., Tuesday, April 6, 2021, the sixty-fifth legislative day. Motion carried.

Senate adjourned at 2:51 p.m.

MARILYN MILLER  
Secretary of the Senate

MARK BLASDEL  
President of the Senate